

NEW SOUTH WALES.

VOTES

AND

PROCEEDINGS

OF

THE LEGISLATIVE ASSEMBLY,

DURING THE SESSION

OF

1862,

WITH THE VARIOUS DOCUMENTS CONNECTED THEREWITH.

IN FIVE VOLUMES.
VOL. IV.

SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER, PHILLIP-STREET.

1863.

LEGISLATIVE ASSEMBLY,
NEW SOUTH WALES.

VOTES AND PROCEEDINGS.
SESSION 1862.

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(Arranged as the Papers should be bound.)

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NEW SOUTH WALES.

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1862.

NEW SOUTH WALES.

GOLD FIELDS REGULATIONS.

Presented to both Houses of Parliament, by Command.

Department of Lands,
Sydney, 9th February, 1862.

His Excellency the Governor, with the advice of the Executive Council, has been pleased to make the following Regulations, in pursuance of the provisions of the Gold Fields Act of 1861.

JOHN ROBERTSON.

GENERAL REGULATIONS.

1. All Regulations hitherto in force for the management of the Gold Fields of New South Wales are hereby repealed, and the following are substituted in lieu thereof:—

2. Wherever the term "Chief Commissioner" is used in these Regulations, it shall be understood to mean the Commissioner entrusted with the general superintendence of one of the Gold Districts of the Colony, viz., the Northern, Southern, South-Western, or Western District; and the term "Commissioner" shall mean a Commissioner, Assistant Commissioner, or Sub-Commissioner, in charge of any particular portion of a Gold Field. The term "Surveyor," shall mean any Mining Surveyor licensed as such by the Government.

3. The term "Claim" shall be taken to apply to any authorized holding whatever, unless otherwise specified.

4. By "Registry" shall be meant the entering into a book, to be kept for the purpose by the Commissioner, of such particulars respecting any claim as may be required under the Regulations.

5. "Protection Area" shall mean an additional extent of ground to be temporarily occupied by the holder of a prospecting claim while he shall be engaged in searching for the position of the deposit of gold therein.

6. A "Working Party" shall mean the party actually working or occupying any claim, whether as the holders thereof, or as representatives of other authorized persons, duly possessed of such claim.

7. The Chief Commissioner may, at any time, fix a scale of fees or charges to be paid, by the persons for whom he may be employed, to the surveyor, for the duties to be performed by him.

8. Any locality for alluvial working, not being in the course of a river or creek, or on the supposed line of a quartz reef or vein, or on the course of a lead, at the time being occupied under the frontage system, and distant not less than three-quarters of a mile from any claim then producing gold, shall be deemed to be alluvial prospecting ground.

9. Any miner or party of miners can take up a prospecting claim upon alluvial prospecting ground, and shall be entitled to mark in a protection area, as follows:—

At a distance from any claim then producing gold not less than—	
$\frac{1}{4}$ of a mile	100 yards by 100 yards.
Exceeding $\frac{1}{4}$ and not less than $1\frac{1}{2}$ mile	200 " by 200 "
Exceeding $1\frac{1}{2}$ and not less than 3 miles	300 " by 300 "
Exceeding 3 and not less than 10 miles.....	400 " by 400 "

10. Every such prospecting claim must be marked at each corner by a post not less than four feet in height, and must, within forty-eight hours of its occupation, be registered with the Commissioner, unless the distance to the Commissioner's Office shall exceed 15 miles, in which case due allowance will be made for the distance. The Commissioner shall grant a certificate of registry, a copy of which must be kept posted conspicuously on the claim.

Prospector to report discovery of gold and claim to be reduced. 11. The holder of a prospecting claim shall report to the Commissioner immediately on the gold having been struck in payable quantity, and the claim will then be marked off, according to his selection of ground, and to the distance, as follows:—

At three-quarters of a mile	80 feet by 120.
At one and a half mile	120 " 120.
At three miles	150 " 150.
At ten miles	200 " 200.

After the claim shall have been so marked off, no fewer than four men must be kept continuously employed, if it be within a less distance than three miles, and six men if it shall exceed that distance.

River prospecting claims. 12. On any untried river or creek, or portion of a river or creek, distant upwards of one mile from where payable gold has been obtained, a prospecting claim can be taken up in like manner and on the same conditions as above prescribed, having a protection frontage of three hundred yards, provided that when gold shall have been struck, the claim shall be reduced to its ordinary dimensions, except that an additional claim shall be allowed for each man who had been continuously employed therein, so long as the total measurement shall not exceed that of twelve claims. When the claim shall have been finally allowed it must be worked by the number of men for whom it shall have been laid off, or it will be liable to a proportionate reduction.

Prospecting claim on quartz. 13. On any unoccupied quartz reef or vein, a prospecting claim can in like manner be taken up by marking and registration, and subject to the same conditions as regards the working, and additional claims by way of reward, as prescribed for river claims. The protection area allowed for such quartz prospecting claims shall be as follows:—

At a distance not less than $\frac{1}{4}$ of a mile from any then existing quartz workings	100 yards by 200.
Exceeding $\frac{1}{4}$ and not less than $1\frac{1}{2}$ mile	200 " 200.
Exceeding $1\frac{1}{2}$ and not less than 3 miles	300 " 200.
Exceeding 3 and not less than 10 miles	400 " 200.

Provided that when any such claim, while being prospected, shall be worked by fewer than four men, the length thereof shall be one-half only of that above specified.

Distance from each other of prospecting claims effective working, and limitation of time of holding. 14. No prospecting claim of any description can be taken up within half a mile of any other of a similar character. And all such claims must be effectively and continuously worked from the time of registry. The protection area shall in no case be held for a longer period than three months.

Transfer of claims and shares. 15. Claims, and shares in claims, may be transferred to any authorized person, but such transfer shall not be recognized until it has been registered in the Office of the Commissioner. No transfer shall be made of any claim or holding while any application to purchase the same, or a portion of the same, may be then pending in terms of the Crown Lands Alienation Act.

Registry of claims, as held in reserve. 16. Any miner whose claim may be unworkable from excess or deficiency of water, or from other cause, shall be entitled to register his claim with the Commissioner, who will grant a Certificate of Registry, to the effect that such claim is held in reserve for him, a copy of which must be posted on the ground, and the proof, in case of dispute, of sufficient cause for registry shall lie with the claim-holder, who shall recommence the working of the claim when practicable. And in like manner a claim-holder can obtain a similar registration by reason of illness, urgent business, or other reasonable cause.

Claims to be effectively worked. 17. All claims, excepting as may be hereinafter provided, must be continuously worked after the expiration of forty-eight hours from the time of occupation; and any claim or share in a claim remaining unworked and unregistered for three clear ordinary working days shall be liable to forfeiture.

Amalgamation. 18. When the depth of sinking, for which the nearest shaft bottomed shall be taken as the test, shall not be less than fifty feet, any two adjoining claims can amalgamate by registration, and posting on the non-working claim a notice of registry, having thereon the names of the holders and numbers of their Miners' Rights. Any number of claims, where difficulties of working are occasioned by water or otherwise, may, in like manner, amalgamate by sanction of the Commissioner.

Claims to be properly pegged. 19. All claims, unless where the mode of marking may be otherwise provided, must be marked at each corner by a substantial peg, at least one foot above the ground, which shall be kept at all times exposed to view.

No person to remove marks. 20. No person shall remove, injure, or conceal any boundary mark on any claim whatever.

Claims on prospecting ground can be held unworked in certain cases. 21. Claims in alluvial prospecting ground, and where the depth of sinking (of which the nearest shaft bottomed shall be taken to be the test) shall be not less than fifty feet, may be held unworked so long as at the least one shaft is being effectively worked within a distance of two hundred yards of any such claim, provided that the entire working party shall be present on their claim from 9 to 11 o'clock a.m., daily, and shall keep posted thereon a notice containing the names and numbers of the Miners' Rights of the holders.

Commissioner empowered to make temporary rules. 22. The Commissioner may at any time make such temporary rules or orders, not inconsistent with the Gold Fields Act of 1861, or with these regulations, as he may consider necessary for regulating the mode of washing at any stream or waterhole, for the prevention of injury of a public nature, by the deposit of tailings, or refuse from any cradle, tom, or sluice, or for any other purpose.

Rights of proprietor defined. 23. Any authorized person can be the proprietor of any number of claims or shares in claims, by keeping employed thereon hired labourers, or other representatives, under any form of agreement whatever by which the right of ownership is reserved to the proprietor,

proprietor, such hired labourers or other persons being likewise authorized persons, and being sufficient in number in each case to represent the extent of claim, or portion of claim, so occupied.

24. The Commissioner shall have power to deal with any partnership dispute Partnership. connected with gold mining, and to make any order therein consistently with the Gold Fields Act of 1861. He may entertain any case of such alleged partnership, and can declare any person, or number of persons, to be entitled to a share or shares in any claim, and may make such further order as shall enable such person or persons to be represented in the occupation and working of such claim.

25. Every holder of a claim in a river or creek shall form and maintain a sufficient Flood race in river claim. flood race through or past such claim, unless he shall obtain an exemption therefrom from the Commissioner.

26. Every holder of a lease or of an extended claim in the bed of a river or creek, Holders of leases or extended claims entitled to water level. shall be entitled to maintain the natural level of the water at the head of his ground, provided that no prior right be injured thereby.

27. The Chief Commissioner shall have power, under special circumstances, to grant Relaxation of labour condition on leased claims. a relaxation of the labour condition of any leased claim; and where forfeiture of such claim is provided, it shall be in his power to substitute a diminution in the size thereof.

28. The holder of more than one leased claim may, by written permission of the Leaseholder can employ labour on one claim. Commissioner, employ the amount of labour stipulated for all his claims on any one of them.

29. Any person desiring to appeal against any decision of a Commissioner, or a Appeal regulated. Commissioner and Assessors, must, within seven days of such decision, lodge a written notice of appeal, together with the prescribed fee of Three Pounds, in the hands of the Commissioner, who shall immediately transmit the same to the Chairman of the Court of Appeal.

30. Each person holding a Miners' Right will be permitted to occupy and enclose, Allotment for residence and arrangement of Chinese camps. for the purpose of residence, so much land as may be determined by the Commissioner, not to exceed 1,210 square yards, or 22 yards by 55, where such measurement may be practicable. And where bodies of Chinese, in number exceeding fifty persons, shall be assembled on any one Gold Field, the Commissioner shall have power to determine the site for their encampment or encampments, to define the limits, and to make rules for the order and regulation of the same.

31. Each person holding a Business License shall be permitted to occupy, for Business allotment. purposes other than gold mining, land not exceeding in dimension one-fourth of an acre, or, where such form of measurement may be practicable, 22 yards frontage by 55 yards in depth. The Commissioner may further allot to the same person, on payment of additional license fees, additional lands to an equal extent; and when such land is situated in a position detached from any tents or buildings, and away from any main road or line of stores or shops, the Commissioner may permit the same person to occupy, under each license, an area not exceeding three times the abovenamed extent.

32. A Business License may be transferred from one Gold Field to another, or from Transfer of business license. one person to another, and shall be available on any Gold Field to which the licensee may remove, provided it be endorsed by the resident Commissioner.

33. No claim will be allowed in any position where, by its interference with the Inadmissible claims. supply of water requisite for the public, by undermining or digging up of roads, or by obstructing public thoroughfares, or otherwise, the general interests will be injured; and no person shall sink or drive within eight feet of any race of whatever description, without the sanction of the Commissioner.

34. No miner shall dig upon or undermine any land enclosed by any authorized Land enclosed or occupied not to be worked without authority. occupant, or which is occupied by any building, or with machinery in connexion with mining operations, or used as a garden, or as a Government camp, or police station, or for any public purpose, without the consent of the Commissioner.

35. The Commissioner may sanction the cutting of any race, or the performance Commissioner to sanction races, &c. of any other operation, necessary for the working of any claim; and any race or work, when duly authorized, shall be the property of the holder.

36. When any race or tunnel shall have been cut, or other work performed, by Proportionate cost of work performed. which the working of any claim may be facilitated, any person benefiting thereby shall pay a proportionate share of the cost of such operation as may be assessed in terms of the Gold Fields' Act of 1861.

37. The Commissioner can make any order for facilitating the working of any river Order to facilitate working of wet claims. or other claims, subject to difficulties by reason of water, by combination of labour, or otherwise, as the circumstances may appear to him to warrant.

38. Upon any four or more persons applying for a road or crossing-place over any Commissioner may allow new roads to be made. gully, creek, quartz reef, or other obstruction, the Commissioner shall determine whether or not such road or crossing-place is necessary, and shall make such order relative thereto as he may deem requisite.

39. Any miner having a shaft or hole within the distance of six feet from any road, Shafts sunk near roads to be fenced. Fences not to be removed. footpath, or crossing-place, in ordinary use, and not completely enclosed by the framework of the windlass, shall erect around such shaft or hole a substantial two-railed fence, the upper rail of which shall be at least three feet and a-half above the surface of the ground; and shall also, on leaving such shaft or hole, either temporarily or otherwise, cover it with logs not less than six inches in diameter; and no person shall remove, cast down, or destroy any timber or fence placed for such purpose, unless by order of the Commissioner.

- Water privilege.** 40. A water privilege shall be taken to mean the right to convey, by means of a race, a specified quantity of water to any locality, or the right to a specified quantity of water in its natural channel. Such water shall be measured by a plank sluice head, having a sectional area of twelve inches by one, with a fall of one in twenty-four. Ground sluice heads shall have twice that sectional area. The water privilege will be considered distinct from the ground claim, and, with the Commissioner's consent, may be held in connexion with fresh claims. All water privileges not used and upheld for a period of fourteen days in the case of alluvial working, and of one week in the case of river working, shall be held to be forfeited, unless such abandonment be explained to the satisfaction of the Commissioner.
- Races.** 41. Applications for permission to cut races for conveyance of water must be made in writing to the Commissioner, and must distinctly describe the source. The Commissioner, in any permit granted by him, will in all cases state the extent of water privilege allowed; and where any such water privilege has been granted the water must be allowed to return to the ordinary channel whenever the Commissioner shall so direct. Persons wishing to divert water from races for the purpose of tanning or sluicing, may be permitted by the Commissioner to use the surplus water, on payment to the proprietors of the race of such sum as may be determined by the Commissioner, in conjunction with Assessors. Surplus water shall be taken to mean all water in excess of the extent of water privilege.
- Priority of water rights regulated.** 42. The holder of a water privilege in the bed of a stream shall be entitled to a prior right to water, to an extent not to exceed three box sluice heads, over the holder of a privilege whereby the water shall be diverted from the natural channel. The priority of right to water under any water permit shall be determined by the date of grant. But where it can be shewn that the holder of a prior right cannot obtain, by reason of waste of water or otherwise, at least one-half of the quantity of water to be surrendered for his supply, his priority of right shall not take effect.
- Measurement of water.** 43. The quantity of water to which any person may be entitled under a water permit shall be measured as nearly as practicable to the spot from whence the water is first diverted; and in so measuring an allowance shall be made for leakage. The allowance to be made on any particular fall of water, for such leakage, shall be determined by the Commissioner, by testing of the leakage from the race on the fall to be selected by him as most suitable for the purpose, and otherwise. The Commissioner shall be empowered to make any necessary order for the testing of a race, or other experiment, for the above purpose; and every holder of a water privilege shall place and keep a permanent gauge at the head of his race.
- Unlawful appropriation of water.** 44. Holders of water privileges shall be bound to see that other holders who may possess rights prior to their own are duly supplied before they appropriate any portion of the water allowed by their permits; and where any person shall appropriate and use water allotted to any other person, he shall be deemed to have committed a "trespass," and be liable to be assessed in damages therefor.
- Dams.** 45. No dam or obstruction in the course of any river or creek shall be erected unless by written permission of the Commissioner; and any dam so erected shall be liable, should it interfere in any way with the working of such river or creek, to be removed by the holder thereof.
- Reservoirs and wells.** 46. Authorized persons may form or occupy reservoirs and wells for gold washing purposes and domestic use, on unoccupied ground, by registering the same with the Commissioner, provided that a notice of intended application for registry shall have been posted on the ground for four clear days; and the Commissioner shall have power to entertain any objection to the registry. The holders of such reservoirs or wells shall have exclusive right to the water therein.
- Priority of right to water for reservoirs.** 47. The priority of right to water for any reservoir or well shall be regulated in the same manner as provided for water privileges.
- Machinery.** 48. Applications for permission to erect any machinery must be made in writing to the Commissioner, who will grant such permission on being satisfied that a notice of intended application has been posted on the spot for four clear days, and that no sufficient objection exists to a compliance therewith. To prevent any injurious deposit of sludge from any machine, it shall be a condition attached to the sanction for its erection, that the owner shall, at any time, on pain of suspension of operations, dispose of the sludge in such manner as the Commissioner shall direct.
- Abandoning reservoir or well.** 49. Any reservoir or well, or the site of any machinery, can be registered with the Commissioner; but if remaining unused and unregistered for fourteen clear days shall be liable to forfeiture.
- Removal of tent or building.** 50. Whenever any tent, dwelling place, stable, or other obstruction, shall have been so placed as to cause public inconvenience, the Commissioner may order the removal of the same to a reasonable distance.
- Right to tail-water prohibited.** 51. No person shall have further right in any "tail water" after it shall have passed beyond his works.
- Books to be kept.** 52. At the office of each Commissioner shall be kept books for the entry of all registries required by these regulations, as also for the entry of the particulars of all applications therein specified.
- Non-fulfilment of regulations.** 53. Any claim, or share of a claim, not worked or occupied in accordance with these regulations, or with any order made by a Commissioner in terms thereof, shall be liable to forfeiture.

ALLOVIAL, OTHER THAN RIVER CLAIMS.

54. Each authorized miner shall be entitled, under his Miner's Right, to sixteen hundred square feet of alluvial ground, and such claims shall be marked off in a rectangular form, the sides of which shall be in proportion to the number of claim-holders, that is to say:—

For One miner.....	40 feet by 40 feet.
Two miners	40 " 80 "
Three miners	60 " 80 "
Four miners	80 " 80 "

Dimensions of ordinary alluvial claims.

And when from any cause it shall be impracticable to take the claims in the form above-mentioned, the Commissioner may sanction a departure from that form, and allow such area of ground as shall give to each miner his prescribed quantity, provided that in no instance shall a claim along a lead exceed in length twice its breadth; and the same extent of claim shall be held on any kind of alluvial ground, without regard to depth of sinking. No ordinary claim will be allowed in extent greater than for a party of four, and all claims for any one working party shall be contiguous.

RIVER CLAIMS.

55. Thirty feet frontage for each miner will be allowed in beds of rivers or creeks running across the whole bed. No working party of miners can take up more than six of such claims, which must be contiguous.

Extent.

QUARTZ CLAIMS.

56. The word "Reef" shall be taken to mean any seam of quartz the average thickness of which, measured in different places actually exposed to view, shall exceed six feet. All other seams of quartz shall, for the purpose of these regulations, be deemed to be veins only.

Definition of the words "reef" and "vein."

57. The claim allowed to each miner on the line of any quartz vein or reef shall be thirty feet in the direction of the vein or reef, and the total number of claims to be allowed for any one party of miners actually employed shall not exceed six: Provided that in all cases where any party of miners may be only sinking or driving in search of gold, and shall not have found it in such quantity as to have induced them to extract it from the substance in which it is embedded, only one-half the number of men in proportion to the extent of claim shall be required to be employed on it. No lesser extent than two claims, or sixty feet, shall be allotted, unless by special sanction of the Commissioner.

Extent.

Party.

58. The width of any quartz claim shall be one hundred yards, and the holder shall be entitled to work all reefs or veins within that width; and also to follow beyond his boundary into unoccupied ground the "dip" of any reef on which he may be actually at work.

Width of claims.

59. On the discovery of any quartz reef or vein, the holder of the prospecting claim, or claim which may first have struck gold, shall forthwith report such discovery to the Commissioner, who shall appoint, by notice, a time to attend at the ground; he shall then proceed to lay down the supposed line of the reef or vein, and shall allot the claims thereon, according to priority of occupation, numbering the same, and no further sinking shall be commenced until the Commissioner shall have so laid off the claims; nor shall any person be entitled to the ground he may have marked previous to the arrival of the Commissioner, but merely to the priority of right on the declared lead derived from such marking. The Commissioner may at any time alter the course of the base line.

Mode of laying off quartz claims.

60. Within forty-eight hours of the occupation of any claim, after the line of lead shall have been laid down by the Commissioner, application must be made to register the same. The Commissioner shall enter the registry in a book, and shall endorse on the Miners' Rights of the applicants the date of registration, the number of claim, and the name of lead.

Registry of claims.

61. In like manner application must be made for the transfer of any such claim, or share of claim, within forty-eight hours; and the Commissioner shall register such transfer, and endorse the Miners' Rights of the incoming holders with the same particulars, heading his notation with the words "transfer registry."

Transfer of claims.

62. Any two adjoining claims can amalgamate by registration with the Commissioner.

Amalgamation.

63. In the case of convergence of reefs, the preference at and onwards from the junction will be given to the claim-holders on the line first laid off by the Commissioner.

64. Any miner or party of miners who may be in authorized possession of any quartz claim shall, for the information of all other persons, mark the boundaries of such claim by the erection of posts at each end, and at each corner of it, to be at least three inches square, standing two feet above the ground, and kept at all times clear of rubbish, or anything which may tend to conceal them from view.

Quartz claims to be marked by posts.

65. Between adjoining quartz claims a wall of three feet shall be preserved, and whenever any miner, in marking off a new claim, shall have neglected to leave the proper space for the wall, the Commissioner may deduct the necessary length from the claim last marked off, and assign it as a wall between such claim and the adjoining claim first marked. And, in like manner, when any miner or miners shall have marked off more than the proper width for a wall, the Commissioner may curtail such excess, and assign it to the holders of the claim first marked; or, if he deems it advisable, may order the boundary posts of the claim last marked to be removed to their proper position.

Wall between quartz claims to be allowed.

66. Any person who wishes to retain possession of any quartz stone, casing, or other substance containing gold, the product of a quartz claim, may do so for any period of time not exceeding one year, although the claim from which it was taken has been relinquished, provided that he stack such stone, casing, or other substance, in a proper manner

Persons to stack quartz properly.

manner

manner upon ground not supposed to be workable, and erect close to such stack a post with his name, address, and date of stacking legibly painted thereon; and no person shall remove, deface, or damage, any such post so erected, or remove any quartz stone, casing, or other substance, so stacked. Any stone, casing or other substance, taken from a claim, and not so stacked, shall be deemed to be abandoned and forfeited.

EXTENDED CLAIMS.

67. On ground previously worked and abandoned, or where the expense attending the mode of working, or the poverty of the ground, will warrant it, the Commissioner can allot an extended claim not to exceed the dimension below specified, viz. :—

In alluvial ground—120 feet by 120 feet.

In the course of a River or Creek—400 feet.

Applications for such claims must be made in writing, and must set forth the number of men proposed to be employed during the holding of the claim, and the date from which the applicant undertakes to employ the specified number. It shall be in the discretion of the Commissioner, in any case of the non-fulfilment of the conditions of the application, to direct a diminution in lieu of the absolute forfeiture of the claim.

LEASED TRACTS.

Leases.

68. Two classes of leases of auriferous tracts and quartz reefs will be granted :—

1st.—Leases of from two to eight acres of alluvial land, from two to five hundred yards of a river bed, from one to five hundred yards on the line of a quartz vein, will be granted for a period limited to five years, at an annual rent of £5 per acre, £5 per hundred yards of river bed, or £5 per hundred yards of quartz vein respectively.

2nd.—Leases for a longer period, and for greater extent of land, will be granted, at a Royalty on the gross produce of gold.

Leases of five years' duration.

69. Persons desirous of obtaining leases of the first class may make application in writing to the Commissioner, who will submit the same to the Chief Commissioner of the District, who shall be empowered to issue the lease by the authority of the Minister for Lands. Previously to the application being entertained, a notice of intended application must have been posted by the applicant on a conspicuous part of the claim for six clear days, and the ground distinctly marked for a like period at each corner by posts not less than four feet in height.

(1.) Each such application must set forth the machinery to be used, and describe the proposed method of working the claim, the extent and nature of preparatory work to be done, the number of men whom the applicant undertakes to employ within a stated period, the constitution of the Company, the number of shares, and the names of the shareholders.

(2.) The rent for each year must be paid in advance, and the application for the lease must be accompanied by the sum of £5, as a deposit, to be forfeited by the applicant, should the lease not be taken out within one month after the granting of the same shall have been notified to him.

(3.) Every holder of a lease for quartz mining purposes shall be entitled to work all quartz within a distance of fifty yards on either side of his marked line, and shall also be entitled, at any time, with the consent of the Commissioner, to alter the direction of his line, retaining the original point at either extremity, according to his choice, provided that he shall not thereby encroach upon any occupied ground.

(4.) Where, from floods or other unavoidable causes, a claim shall be unworkable, the lessee shall not be required to continue the employment of the stipulated amount of labour; but the proof of such sufficient cause shall lie with the lessee.

Leases exceeding two years.

70. Applications for leases of the second class must be addressed to the Commissioner, and be accompanied by a deposit of £50 to meet expenses which may be incurred in deciding upon the application, and also by the following information :—

1. A description of the land required for lease, and a plan shewing the extent of the auriferous portion, as well as of that required for setting up machinery, erecting dwellings or offices, or for other purposes.

2. The term or period for which the ground is required.

3. The consideration, in the shape of Royalty, on the gross produce which it is proposed to pay for the privilege of mining on it, *being not less than one per cent.*

4. The proposed plan of working it, stating the kind and power of machinery to be used.

5. The minimum number of men whom it is proposed to employ.

6. The time after approval of the application which will be allowed to elapse before the work will be commenced.

7. The time which will elapse, and the work to be done, before the number of men so stated will be employed.

8. The constitution of the Association or Company by which the ground will be worked, the proposed distribution of shares, and the amount of capital subscribed.

Mode of dealing with applicants.

71. The Chief Commissioner of the District shall forward to the Government every such application, with his report thereon. He will also cause the applicant to distinguish, by proper posts, the land for which he has applied, and to set up as well thereon as at the Commissioner's Office, a notice defining the nature of the application. If at the end of fourteen days after such notice has been duly posted, no objection be preferred to the Chief Commissioner respecting the lease of such land, he will be empowered to grant leave for the immediate occupation of it, at the risk of the applicant, and subject to the decision of the Government as to the terms on which the lease will be granted.

72. The Government will entertain applications for leases under these regulations, ^{Leases not exceeding 21 years.} for periods not exceeding twenty-one years, subject to the following conditions, and any others which from the special nature of the application it may be desirable to add :—

1. That the ground applied for has been abandoned or is unoccupied.
 2. That a right of entry at all times for the purpose of examining works, books, and accounts be reserved to the Government, or to those whom they may appoint.
 3. That such books be kept in a form to satisfy the Government as to the quantity of material operated on, and the gold obtained.
 4. That accurate plans and sections, shewing the mining operations, be kept by the Association or Company, and that copies of these, shewing the progress made, be forwarded half-yearly to the Government through the Commissioner in charge of the District.
 5. That the gross produce of gold be forwarded by escort to the Mint at Sydney, for valuation by assay.
 6. That one-third the subscribed capital has been paid up.
73. The infraction of any of the conditions of a lease will involve the forfeiture thereof.

FRONTAGE SYSTEM.

74. The Chief Commissioner shall be empowered to declare any field, or division of a field, as regards alluvial workings, to be under the operation of the "Frontage System." ^{Declaration of frontage district or division. Definition of frontage claim.}

75. By frontage claim shall be meant a claim having a width of one mile until gold shall have been struck therein; but on any field or division of a field, the Chief Commissioner can declare a reduction of such width.

76. A block claim shall mean an ordinary claim, marked off in accordance with the Regulations. ^{Definition of block claim.}

77. Any unoccupied locality, wherein any miner or miners shall desire to sink in search of a lead, shall be deemed to be "new ground." ^{New ground.}

78. On new ground within a declared frontage district, or division, all claims must be marked on the frontage system, in the first instance. ^{Claims on new ground to be marked on frontage.}

79. When the sinking in such ground shall be found not to reach a depth of sixty feet, of which the bottoming of one or more shafts on the supposed line of lead shall be a sufficient test (unless the Commissioner shall specially sanction a further testing), all markings on the supposed line of lead shall be null, and the ground shall then be open for taking up claims in the block form, provided that each miner shall have the right to include any shaft which had actually been commenced by him in his block claim, taking such shaft for the centre. ^{When sinking less than 60 feet claim to be taken in block.}

80. The mode of marking on an undeclared lead shall be by the erection of a post, not less than three feet in height, at either end of the claim; and the frontage area must also be marked by posts, not less than four feet in height, placed at the extremities of lines intersecting at right angles the posts at either end of the claim. ^{Mode of marking on undeclared lead.}

81. Any person who may strike payable gold at a depth not less than sixty feet, shall immediately report to the Commissioner, who shall thereupon appoint a time, not less than two days thereafter, by a notice at the claim and at his office, to proceed to the ground in order to consider any application for the declaration of a frontage lead; and if it be the desire of the majority of the persons interested, then present, he may, if he shall see sufficient reason, declare such lead. ^{Declaration of lead.}

82. On the declaration of a lead all claims previously held on such lead shall be deemed to be cancelled, and holders thereof shall be entitled to occupy claims as marked by the Surveyor, according to their priority of occupation on the lead, excepting where any claim-holder may have sunk a shaft at least twenty feet in depth, in which case he shall be entitled to the claim in which his shaft is situated. ^{Re-arrangement of claims on declaration of lead.}

83. The Commissioner shall then direct the Surveyor to lay down a base line from either boundary of the prospect claim, along the supposed course of such lead, on which line he shall mark the length of claims, and such claims shall be allotted, according to priority of occupation, on the lead. The Surveyor shall also lay down cross lines as nearly as possible at right angles with the base line at each boundary; and shall, by authority of the Commissioner mark off, as a reserve, any unoccupied ground which may be considered as likely to be necessary to any future alteration of the base line. ^{Claims to be laid off by Surveyor, and reserves to be made.}

84. If the actual course of the lead be found to differ materially from the course of the base line, and if the majority of claim-holders affected thereby shall desire it, the Commissioner may authorize the Surveyor to lay down a new base line, and to lay off the claims on the new line, according to their order on the former line. ^{Alteration of base line.}

85. The occupation of a fresh claim on a declared lead shall be taken by marking the same in like manner as on an undeclared lead but in continuation of the Surveyor's base line; and so soon as the Surveyor's cross line shall have been laid the claim shall be marked by similar posts at either end of such cross lines. When the claim shall be reduced in width the further posts must be withdrawn and placed at each corner of the block claim selected. ^{Mode of marking fresh claims on declared lead.}

86. Within forty-eight hours of the occupation of any such claim, application must be made to the Commissioner to register the same; and the Commissioner shall enter such registry in a book, and shall endorse on the Miners' Rights of the applicants, the date of registration, the number of claim, and the name of lead. ^{Registry of claim.}

87. In like manner application must be made for the registry of the transfer of any such claim, or share of claim, within forty-eight hours, and the Commissioner shall enter such transfer, and endorse the Miners' Rights of the incoming holders, with the same particulars, heading his notation with the words "transfer registry." ^{Transfer of claim.}

Amalgamation of claims. 88. Any two adjoining claims may amalgamate by registering such amalgamation with the Commissioner and posting on the non-working claim the names of the holders and the numbers of their Miners' Rights.

Joint working of wet claims. 89. The Commissioner may make any order for the joint working of any number of claims subject to difficulty of working by excess of water on the application of the holders and for exempting from working the number of holders for whom there shall not be employment according to the nature of the order. A copy of such order must be posted on any non-working claim.

Frontage to cease on sinking becoming shallow. 90. When on any declared lead the sinking shall have been found to have diminished in depth, so as not to reach 60 feet, the Commissioner shall fix a point from which to declare the frontage system to have ceased, and all claims thereafter shall thereupon be taken in the block according to priority of occupation in the frontage. But in case of difficulty to working from excess of water, or other cause, it shall be at the discretion of the Commissioner to abstain from discontinuing the frontage system.

Frontage to cease on application. 91. It shall be in the discretion of the Commissioner to discontinue the frontage system from any point on a declared lead not then occupied, should it appear to him to be desirable to do so.

Marking of claims in advance of Surveyor's line. 92. All claims taken up in advance of any line of declared lead, and which would, by extension of the Surveyor's line, come within the wings of such lead, must be marked in continuance of the Surveyor's line, and will be held to be claims on such declared lead.

Prospecting claims. 93. Any person desiring to take up a prospecting claim on a declared lead may do so at a distance not less than half a mile in advance of the last paying shaft, by registering the same, and he may mark out and hold on such prospecting claim an additional claim for each man employed therein, so long as the entire extent of claim shall not exceed eight claims, or 160 feet. On any undeclared supposed lead double claims may in like manner be marked out and registered so long as the entire extent shall not exceed twelve claims, or 240 feet. All prospecting claims must be effectively and continuously worked. Any number of claims taken up for the purpose of prospecting may be amalgamated, but the additional claims by way of reward will only be allowed (on the discovery therein of payable gold) to the registered prospecting claim. No prospecting claim on any declared or undeclared lead shall be taken up within half a mile of any other prospecting claim, except by special sanction of the Commissioner.

Length of claims. 94. The length of frontage claims shall be as follows:—
 For two men..... 40 feet.
 „ four men..... 80 „
 No one claim will be allotted for other numbers than as above stated.

Width of claims. 95. The width finally to be allowed for a frontage claim, after the gold shall have been struck, shall be 80 feet, unless when the depth of sinking shall be found to exceed 200 feet, after which an additional width of 20 feet shall be allowed for every 100 feet in depth. And the depth of sinking for any lead, or portion of a lead, shall be determined by the Commissioner without reference to the depth of any particular shaft.

Convergence of leads. 96. In the case of a convergence of leads the preference at and onwards from the junction will be given to the claim-holders on the lead first declared. Provided that at any time when a convergence shall seem probable, it shall be in the discretion of the Commissioner to refuse any further registry of claims, excepting conditionally, until the actual position of the lead shall have been ascertained.

Working of claims. 97. On all declared leads not fewer than 25 shafts must be continuously and effectively worked in the claims on either line of lead next onwards from the prospect claim, and afterwards in advance of the last payable shaft.

Holding of non-working claims. 98. On other claims, the position of which does not require them to be so worked, every shareholder, or his representative, to the full number required by the dimensions of the claim, must be present from 9 till 11 o'clock a.m. daily.

Duties of claim-holders. 99. The holder of any claim bottoming on the lead must immediately acquaint the Commissioner, and shall be allowed 14 days to prove the breadth of his claim, which time can, on sufficient reason, be extended by sanction of the Commissioner. The claim shall then be reduced to the prescribed width, and marked off. But it shall be in the discretion of the Commissioner to determine, in the case of the shaft and drive of the holders being without the block claim chosen, whether they can retain such shaft and drive for the working of the claim; and until the question be determined no such shaft or drive can be taken possession of except by consent of the original holders.

Indication of course of lead. 100. The Surveyor shall cause a red flag to be hoisted on the last claim on the lead immediately that gold may have been struck therein, to indicate the course of the gutter. The holders of such claim must give every information as to the course of the gutter. The Surveyor can at any time enter any shaft, and the holders of a shaft must allow it to be entered in like manner by any person having the written authority of the Commissioner.

Abandonment of frontage lead. 101. When any declared lead shall be abandoned for 14 clear days, the declaration of lead shall be deemed to be rescinded. The Commissioner can also rescind the declaration of a lead on which the number of shafts actually at work during the 21 preceding days shall not exceed ten. But the holders of any claims then working on such lead shall be entitled to retain their frontage.

Breach of Regulations. 102. Any breach of these regulations shall involve a forfeiture of claim or share of claim, should the Commissioner so determine.

Application of ordinary Regulations. 103. The holding of frontage claims will, with reference to any question not herein provided for, come within the terms of the ordinary general Regulations.

EXTRACT from GOVERNMENT GAZETTE of 1st April, 1862.

*Department of Lands,
Sydney, 31st March, 1862.*

GOLD FIELDS.

HIS Excellency the Governor, with the advice of the Executive Council, has been pleased to make the following Amended Regulation, under the Gold Fields Act of 1861, in lieu of Clause 11 of the Regulations dated 9th February, 1862, viz. :—

“ 11. The holder of a prospecting claim shall report to the Commissioner immediately
“ on the gold having been struck in payable quantity, and the claim will then be marked off
“ according to his selection of ground, and to the distance from any claim then producing
“ gold, as follows :—

“ At three-quarters of a mile	80 feet	by	120 feet.
“ At one and a half mile.....	120	”	120 ”
“ At three miles	150	”	150 ”
“ At ten miles.....	200	”	200 ”

“ After the claim shall have been so marked off, no fewer than four men must be
“ kept continuously employed, if it be within a less distance than three miles from any claim
“ then producing gold, and six men if it shall exceed that distance.”

JOHN ROBERTSON.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

AGGRESSIONS ON CHINESE.

(COMPENSATION CLAIMED FOR LOSSES SUSTAINED DURING RIOTS AT BURRANGONG GOLD FIELDS.)

Ordered by the Legislative Assembly to be Printed, 29 August, 1862.

WILLIAM D. CAMPBELL, ESQ., to SECRETARY FOR LANDS.

Beverley, Burrows,
20 May, 1862.

SIR,

In accordance with the instructions contained in your communication of 21st May, 1861, and subsequent dates, forwarding certain claims by Chinese for compensation for losses alleged to have been sustained by them at the Riots at the Lambing Flat Gold Field, in January and February, 1861, I have now the honor to report as follows:—

The claims forwarded to me, in connection with the Riots referred to, are,—

	£	s.	d.
1. Claim on behalf of various Chinese, 24 in number, amounting in the aggregate to	5,339	6	0
2. Claim by Su Sang Sing Dob	300	0	0
3. Claim by Ar Sing, Yang Yei, Ar Song, and Kan Long	700	0	0
Amounting in all to	£6,339	6	0

These documents, with the evidence adduced, are all herewith forwarded.

With reference to the first of these claims I have used every endeavour to ascertain the identity of the claimants, but have found it impossible to do this, in consequence of the names being only equivalent to the *Christian* names of Europeans. Amongst the Chinese resident at Back Creek, near Lambing Flat, I found several bearing the same "Christian" names, who were present at the Riot in February, and they say that very little destruction of property was then committed—that they were not sufferers to any extent—that they have lodged no claims for compensation on account of that Riot, and have authorized no one to make claims on their behalf. On referring to the original Petition, it appears to be signed on behalf of all the claimants, in the same handwriting, but with what object on the part of the originators of the claim must be left to conjecture.

Finding it impossible to procure any satisfactory information in regard to these claims individually, I proceeded to take such evidence as could be got as to the general amount of damage done on the occasion referred to.

In accordance with the information so obtained, I have the honor to report that, on 19th February, 1861 (the date named in the claim referred to), the Chinese who had previous to that date been resident at Lambing Flat and Blackguard Gully, were encamped at Wumba Numba, about five miles from the former place—that there were then about (200) two hundred Chinese there—that a number of rioters proceeded from Lambing Flat to that place to remove the Chinese, who, before their arrival, and knowing of their approach, had removed the greater part of their property—and that very few of them were there when the

NOTE.—Of the Papers laid upon the Table only the following portion was ordered to be printed, viz:—

- (1.) Two Reports from W. D. Campbell, Special Commissioner, dated respectively 20 May, 1862.
- (2.) List of Claims lodged by Chinamen for Compensation for losses at Lambing Flat, on 30 June, 1861, referred to in one of the said Reports.
- (3.) List of Claims approved, ditto.

the rioters reached the encampment. That the only losses then sustained by the Chinese arose from the destruction, by the rioters, of a number of cradles, buckets, tin dishes, tents, &c., which they had left behind them, the whole value of which could not have exceeded £20. One witness (Howarth) speaks of the destruction of a dray and goods on this occasion, but he is contradicted by another (Brown), who had better opportunities of knowing what had occurred.

In the claim referred to, large amounts are put down as for loss (I presume by robbery) of gold and notes, but I can find no evidence to lead to the suspicion that any robberies were committed on this occasion, while the evidence of Brown and other witnesses would tend to show that the Chinese were in such circumstances at this time that they were not likely to be in possession of so much, if of any gold and notes.

With reference to this claim I have therefore the honor to report, that it is not only unsupported by any evidence (which I have used every endeavour to obtain), but that there is reason to believe that it is altogether fraudulent.

II.—*Su Sang Sing Dob's Claim.*

The claimant in this case states that he sustained losses to the extent of (£300) three hundred pounds, and as he appears to have been better known than the claimants in the former instance, more satisfactory information has been obtained with reference to it.

His losses are said to have been sustained on 27th January, 1861, and to have consisted of goods purchased from Mr. Walker, a storekeeper at Braidwood. On referring to the only gentleman of this name and occupation at Braidwood, he states that he has been out of business for two years, "and have never had any transactions with Su Sang Sing Dob, nor do I know anything of him." The witness Howarth says he saw the store of this claimant burned at Blackguard Gully on 17th February, and that it then contained a considerable quantity of opium, but as the claim is made for losses sustained at Lambing Flat on 27th January, and as the evidence shows that the claimant was then in very poor circumstances, the witness Howarth must be labouring under a mistake.

Under all the circumstances it is very doubtful if the claimant sustained any loss on the occasion referred to, but if he did it could not have exceeded the value of his tent.

III.—*Ar Sing, Yang Yei, Ar Song, Kan Long.*

The claimants in this instance claim to the amount of £700, part of which they state consisted of goods to the value of £255 1s. 11d., purchased from Messrs. Mollison and Black, through San Tin War.

On application to Messrs. Mollison and Black, I have been furnished with an invoice of goods supplied to San Tin War in the month of January, 1861, to the value of £221 2s. 6d. The dates of this invoice range from 7th to 28th January.

In the course of my inquiries various Chinamen represented themselves as the claimants in this case, and I have only been able to find two parties who are supposed to be the real claimants—Ar Sing and Pak Fuk, the latter not being named in the claim. Ar Sing produced duplicates of part of the invoices by Messrs. Mollison and Black, but admitted that all the goods therein enumerated had not arrived prior to the removal of the Chinese, and stated that the remainder arrived a week afterwards. As the Chinese were removed from Blackguard Gully on 17th February, and from the Sheep Station at Wumba Numba on 19th February, the evidence of Brown is so far corroborated as to the non-arrival of the goods; and the general evidence from merchants at Lambing Flat, as to the time usually occupied in the conveyance of goods from Sydney to that place, would warrant the conclusion that the goods for the loss of which the claim is made could not have arrived either at Lambing Flat or at the Sheep Station previous to the riot, and consequently could not have been destroyed.

In conclusion, I have only further to report that, from information obtained as well from Chinese as from Europeans cognizant of the facts, the destruction of property on the occasion of the removal of the Chinese from Lambing Flat on 27th January and 17th February, 1861, was very trifling, and that the claims hereinbefore referred to are altogether fraudulent.

I have, &c.,

WILLIAM D. CAMPBELL.

WILLIAM D. CAMPBELL, ESQ., to SECRETARY FOR LANDS.

Beverley, Burrows,
20 May, 1862.

SIR,

In accordance with the instructions contained in your communications of 16th July, 1861, and subsequent dates, forwarding certain claims by Chinese for compensation for losses said to have been sustained by them at the Riot which took place at the Burren-gong Gold Field on 30th June, 1861, I have now the honor to report as follows:—

Immediately on receiving your instructions, I placed myself in communication with the parties acting on behalf of the claimants; but as the latter had, on the occasion of the Riot, left the Gold Field, it was some time before they could be again collected for the purpose of proceeding with the inquiry.

My

My instructions being to inquire into the claims of the Chinese for compensation, I confined myself, as far as possible, to this inquiry; but in order more clearly to understand the nature of the claims and the result of the inquiry, it may be well to state, generally, some circumstances connected with the Riot at which the losses occurred.

It would appear that on 30th June, 1861, a number of Chinese, variously estimated at from 200 to 600, were encamped at Sawpit Gully, Lambing Flat, and about 1,000 to 1,200 at Back Creek, about seven miles distant. On that morning a "Roll-up" took place, when a number of Europeans attacked the Chinese at Sawpit Gully, and drove them from the ground, burning and otherwise destroying what property was left behind. The rioters then proceeded to Back Creek, where they acted in a similar manner. It was known at Back Creek that the rioters were approaching; and the Chinese being warned, a considerable number packed up their goods and left the encampment some time before the rioters reached that place. The number of Chinese at the Back Creek on their arrival is variously estimated at from 400 to 1,000. Those who remained were attacked even more savagely than their countrymen at Sawpit Gully had been; many of their number being brutally assaulted, their bundles taken from them and burned; their stores and other property sharing the same fate.

In addition to the claims forwarded on behalf of the Chinese direct to the Government, a large number were handed to me by the claimants themselves while at the Gold Field, they having returned after the arrival of the military stationed at Lambing Flat. These claims were lodged in Chinese manuscripts, and I found it necessary to avail myself of the services of interpreters for the purpose of translating them.

Having procured those translations, and given notice to the various claimants when the inquiry would be held, I proceeded to examine each claim, and take such evidence as could be obtained. In consequence of the great number of claims it was impossible to take written testimony in each case, partly from the difficulty in getting the necessary statutory declaration from Chinese who knew nothing of the English language, and partly because of the lengthened period over which, in such a case, the inquiry must have extended. The inquiry was therefore conducted in almost every case *viva voce*.

The claims for compensation being so numerous, and for such a large amount, I have, with a view to the better understanding of their nature and extent, prepared a list (forwarded herewith) containing:—1. The names of the several claimants. 2. The numbers of claimants in each case. 3. The nature of the losses said to have been sustained; and, 4. The amount claimed under each head. From that list it will be seen that the claimants number 1,568 individuals. The amount claimed for loss of gold, notes, &c., £20,083 18s.; for opium, £4,917 17s.; for general store goods, £2,129 10s.; and for tents, clothing, tools, &c., £13,492 4s. 8d. The total amount of the claims being £40,623 9s. 8d.

Many of the largest of the claims have been lodged on behalf of Chinese who had in various parts of the country employed agents, to whom intimation was given of the time when the inquiry would be held, and that their personal attendance would be required, but in scarcely a single instance did they appear. On referring to the Chinese interpreters, I found that the names of the claimants in many of these cases were only equivalent to the *Christian* names of Europeans, and that it was therefore impossible to discover the individuals represented. Looking, however, to the peculiar nature of the losses which they are said to have sustained, consisting for the most part of gold, notes, &c., it is not improbable that these claims were put in at a venture, and that the claimants were intentionally absent from the inquiry. Under these circumstances, I am unable to make any definite report as to their accuracy.

Having gone carefully into every claim, when the claimant appeared, and having procured such information as could be obtained, as well from the Chinese as from Europeans, I have prepared a separate list "A" (also forwarded herewith) containing the particulars of approved claims, and the amount which there is reason to believe each claimant lost. In this list it will be seen that the claims are supposed to be correct, to a greater or less extent, on behalf of 706 individuals against 1,568 who have claimed, and that the amount supposed to have been lost is £4,240 0s. 8d., against £40,623 9s. 8d. claimed.

It being impossible to report specially on each claim, I have inserted in this list those claims only as to which information has been procured warranting the belief that the claimants lost to the extent stated. In many instances I have struck out of the claim items which were either unsupported by evidence or shown to have been wrongly claimed; and seeing that the clothing, &c., was charged at full price for new articles, I have deducted half the amount claimed as for depreciation in value.

With reference to the item of gold, notes, &c., for the loss of which the claims amount to the large sum of £20,083 18s., and that only by 511 out of 1,568 claimants, I have found it impossible, excepting in a few cases, to get any satisfactory information. Having, however, made inquiries as to the condition of those Chinese who, it was ascertained, had left the Back Creek with all their property before the rioters reached that place, I find that they were not possessed of much gold or notes—the sales made by various parties, (represented as being all they had) not exceeding an average of an ounce of gold per man. Presuming that those who had most to lose, and could readily get away, were the first to take advantage of the warning previous to the approach of the rioters, and seeing that the average amount of gold, &c., said to have been held by each of the claimants, far exceeds that generally in the possession of the gold digger, there is every reason to believe that, in many cases at least, the claims under this head are fraudulent.

The amount claimed as for losses of opium appears also to be excessive for such a small consuming population, seeing the Chinese in many cases purchased their supply of this article for retail from European storekeepers on the Gold Field.

Ten of the claims appearing in List A require special notice; but it may be well to draw attention to the claim of Simon San Ling, No. 61-2847. He is one of the few Chinamen on the Gold Field who was known to the Europeans beyond the Chinese encampment, probably on account of his being married to a European, but among these, as well as among his own countrymen, he appears to have borne a good character. His claim is however deserving of special notice, on account of the statement made by Mr. James M. Henley, in a letter to His Excellency the Governor, wherein, speaking with reference to the European wife of the claimant, he says, "The lawless mob burned down her tent and the cradle wherein the infant was sleeping; her own and children's clothes were torn to pieces and burned by a lot of vagabonds who counselled together for the violation of the woman and murder of the children, but were prevented by the timely interference of some of their number less hardened than the others." Without desiring to palliate or excuse the proceedings of the rioters on the occasion referred to, I consider it necessary to state that, having made special inquiry into the truth of this statement, I have not been able to get any corroborative testimony. The troopers at the camp at Back Creek neither saw nor heard anything of the sort, and the woman herself says, in her evidence, "I was not in the tent during the time the mob were there, and received no ill-usage, personally, from any of their number. I was not molested by any of them in any way. I had a cradle in the tent which was burned, but my child was not in that cradle when the mob came up." Simon San Ling's own statement shows that his wife never complained to him of having been ill-used on the occasion referred to, and the conclusion is almost inevitable that Mr. Henley must have been labouring under an excited imagination when he made the statement above quoted.

In the claimant's evidence he particularizes the property destroyed, amounting to £69 worth; and, making an allowance for the difference in value between new and old articles, I have concluded that his loss could not have exceeded £50. It will be observed that he and his brother, San Sing Dob, are represented as having been in very poor circumstances in February previous, and he must have been more than ordinarily successful to have saved that amount in so short a time.

In the general list there appears a claim, No. 61-2843, by John Sam, and three others, for £1,396 Os. 4d., being for the value of gold and notes said to have been taken from the persons of two of the claimants. In the course of very particular inquiries with reference to this claim (the claimants not having appeared), the only information I could obtain was from a Chinaman (Leogh Look), from whose evidence it appears the claimants resided in his tent, but he cannot speak to the amount of gold in their possession. They state in their claim that they came to Lambing Flat to collect debts due to them from "400 Chinamen;" and Leogh Look states, that in addition to the sums so collected, they received moneys from Chinamen to take to China for their friends. Claims have been lodged by a greater number of Chinamen than appear to have been on the Gold Field, but to none of these, excepting Leogh Look, were the claimants in this case known; and this fact, taken in connection with the disappearance of their partners, as stated in the claim, would lead to the suspicion that if there is any truth in the statement of their having had the gold, the missing partners found it a convenient opportunity for carrying it off to China.

There is no reason to doubt that cases of robbery from the person did occur, but from the excited condition of the mob at the time, they appear to have looked more to the destruction of property than its appropriation to their own use.

The amount of gold, &c., for which compensation is claimed, if actually appropriated by the rioters (said to be about 200), would, in all probability, in the course of a short time, have found its way to the ordinary escort; but no evidence of this can be obtained, while there is as little evidence to show that the parties who formed the mob were in better circumstances after the riot than before it.

In an inquiry of such a peculiar nature, and embracing so many claims—the necessity for communicating with the claimants through interpreters—the difficulty in obtaining reliable information from the claimants themselves—and the fact that few Europeans not personally implicated in the Riot could afford any information, renders it impossible to arrive at a satisfactory conclusion as to the actual amount of the losses sustained. Very many claims were found to have been lodged in duplicate, some even in triplicate, these being in almost each case slightly varied in particulars and amount, and it was only by identification of the claimants when they appeared that this fraud could be discovered. But a still greater difficulty occurred in those cases where the claimants were partners. In many such, one claim was given in by one member of the party for himself and so many partners, the same claim being also lodged by another member and his partners. Many such cases of deception were discovered; but notwithstanding every precaution, I cannot imagine, that amongst a people whose regard for truth is so very questionable, and who have shown themselves so ingenious in devising frauds, every case of this nature has been discovered.

But after a very careful investigation and examination of each claim, I believe List "A" (before referred to) contains as near an approximation to the amount of the losses sustained by the various claimants therein named as can, under the circumstances, be obtained; and as such, I have now the honor to present it for the information of the Government.

I have, &c.,

WILLIAM D. CAMPBELL.

LIST of Claims lodged by Chinese for Compensation for Losses said to have been sustained by them at Sawpit Gully and Back Creek, on the Burrangong Gold Field, on 30 June, 1861, referred to in Report thereon by William D. Campbell.

No. of Claim.	Names of Claimants.	No. of Men Claiming.	NATURE OF LOSSES.				Amount of Individual Claims.	Total Amount of Claims.	REMARKS.	
			Gold, Notes, &c.	Opium.	Other Stores.	Tents, Tools, Clothing, &c.				
			£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.			
61-2353	Fu Elin, Ying Fing, Pon Chaw, A Kin, Wing Lock	5	405 0 0	300 0 0	50 0 0	755 0 0	These claimants appear, from the information procured, to have lost about £150 worth of store goods besides clothing, &c.—(See List A.) Several "A Sings" appeared, but none the proper claimant. No information can be procured. These claimants were unknown to any of the Chinese on the Gold Field, and no one appeared in support of the claim.	
61-2353	A Sing, A You, A Long	3	206 5 0	250 0 0	456 5 0		
61-2353	A Ting, Yan Yong, A Yow, Yap Chong, Tuk E, Ohu Hoi, Limb King, Kia Too, A Tai, Pats Hoi	10	545 0 0	50 0 0	595 0 0		
61-2394	A Shorei	3	155 15 6	12 0 0	167 15 6	453 13 0		
	A Nung		122 5 0	.....	.....	.....	122 5 0
	A Man		163 12 6	.....	.....	.....	163 12 6
61-2395	A Chow	1	72 10 0	50 0 0 (Medicine.)	11 0 0	133 10 0		No information can be procured as to these claims. This claimant did not appear; he claims for medicines; was not known as a doctor.—(See duplicate claim, No. 35.)
61-2396	A Kew	1	70 10 0	53 1 0	123 11 0		No opium shop was kept by a person of this name.
61-2410	Sam Mong, A Wing, A Ging	3	144 17 6	13 10 0	153 7 6		No appearance of claimants; no information procurable.
61-2436	Ah See and party	8	295 2 6	12 13 0	33 0 0	341 0 6		This is a doubtful claim.—(See duplicate, No. 35.)
61-2437	Ah Su, Wing and party	7	243 9 6	15 12 0	259 1 6	Do. do.	
61-2438	A Sam and party	12	271 17 6	61 4 0	333 1 6	Do. do.	
61-2439	Ah Chong and party	6	208 5 0	19 5 0	227 10 0	Do. do.	
61-2450	Ah Sing, Chi Chong, Ah Gee, Ah Kay	4	270 14 0	226 0 0	38 0 0	534 14 0	Not known to have had an opium shop—no claimant appeared.—(See duplicate No. 35.) Only 3 claimants.	
61-2451	Ah Foot, Ah Luck	2	48 12 6	202 4 0	42 5 0	293 1 6	No information can be obtained, and no claimant appeared.—(See duplicate, No. 35.)	
61-2452	Ah Look and party	4	95 19 6	9 5 0	105 4 6		
61-2501(1)	Chin Fu Hin	6	71 13 0	15 0 0	86 13 0	599 17 6		
	Chin Mong Sin		98 10 0	.....	.....	.....	98 10 0
	Wing Hin		87 8 9	.....	.....	.....	87 8 9
	Chang Hon Hei		94 3 9	.....	.....	.....	94 3 9
	Yan Shin		92 10 0	.....	.....	.....	92 10 0
	Low Sin Ti		140 12 0	.....	.....	.....	140 12 0
61-2501(2)	Ing Fuk	3	92 10 0	7 0 0	99 10 0	303 6 3		
	Ing Shin		109 10 0	.....	.....	.....	109 10 0
	Su Loi		94 6 3	.....	.....	.....	94 6 3
61-2501(3)	Chung Mung	6	102 10 6	15 0 0	117 10 6	596 10 3		
	Ar Soo		81 2 6	.....	.....	.....	81 2 6
	Ar Chong		77 0 0	.....	.....	.....	77 0 0
	Ar Teen		133 8 9	.....	.....	.....	133 8 9
	Ar Sing		83 1 0	.....	.....	.....	83 1 0
	Ar Ching		104 7 6	.....	.....	.....	104 7 6
61-2501(4)	Yan Fona, Ling Sin	2	258 10 9	142 0 0	400 10 9	Not known as an opium shop. These parties state they lost in book debts account, £700; they seem to have lost no store goods, and are supposed to have had a gambling house.	
61-2501(5)	A Tin	2	204 1 3	.....	.....	6 0 0	210 1 3	
	A Sin		178 15 3	.....	.....	.....	178 15 3
61-2799	Low Cha, Ah Hun	2	180 5 0	455 0 0	12 0 0	656 5 0	No information; not known as an opium shop.	
	Carried forward	90	£5,613 2 3	1,646 3 0	50 0 0	410 1 0	7,719 6 3		

AGGRESSIONS ON CHINESE.

LIST OF CLAIMS, &c.—Continued.

AGGRESSIONS ON CHINESE.

No. of Claim.	Names of Claimants.	No. of Men Claiming.	NATURE OF LOSSES.				Amount of Individual Claims.	Total Amount of Claims.	REMARKS.
			Gold, Notes, &c.	Opium.	Other Stores.	Tents, Tools, Clothing, &c.			
			£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.		
	Brought forward	90	5,619 2 3	1,646 3 0	50 0 0	410 1 0	7,719 6 3		
61-2313	Ah See	4	121 7 6				121 7 6	None of these claimants appeared, and were unknown to the Chinese.	
	Sin Fat		120 2 0				120 2 0		
	Ah Na		118 15 0				118 15 0		
	Sin Qai		171 3 6			19 15 0	190 18 6		
61-2562	Ah Lun	1	50 0 0			15 0 0	551 3 0		
	Ah Yeh	1	70 0 0			6 0 0			
	Ah Chiwir	1	23 17 6			7 0 0			
61-2562	Ah Hin, A Ling							None of these claimants appeared.	
	Yin Gong, Ah Sim	4	95 13 0			24 7 0	120 0 0		
	John Haw, Ah Sun								
	A Kow, Ah Sen, Ah You								
	Ah Goo, Ah Jing	7	299 15 0			42 5 0	342 0 0		
	Sue Nang, Ah Gew								
	Chio Yow, Sim Nee	4	60 16 0			19 4 0	80 0 0		
	Ah Qui, Ah Hun								
	Ah Teak, Fat From								
	Ah Lun, Ah Sam								
	Hin Fec, Sim Lew								
	Ah Na, Hook Chop	10	217 12 0			62 3 0	310 0 0		
	Wah Sue, Bak Tin								
	Sing Doy, Bak Sue								
	Ah Mong, Ah Sin	6	153 5 0			36 15 0	200 0 0		
	Ah Chong, Ah Fat								
	Nin Fong, Ah Gen, Het Kong	5	118 5 0			31 15 0	150 0 0		
	Ah Mun, Luang Nim								
	Ling Gu, Chow Jing								
	Wang Sue, Ah Jing	6	155 4 0			34 16 0	190 0 0		
	Pak Fung, Hin Way								
	Min Yow, Ah How								
	Ling Gu, Lap Sing	6	193 10 0			33 10 0	232 0 0		
	Ah Wong, Ah Bong								
	Ben How, Che Nee								
	Wang Sue, Ah Moy	6	152 9 0			37 11 0	190 0 0		
	John Luck, Ion Hew								
	Ah Servy, Ah Ling								
	Jin Chow, Ah Teak	6	169 19 6			45 0 6	215 0 0		
61-2843	John Sam, Ah Non						2,200 17 6	See evidence of Leogh Luk, &c. See report.	
	Ah Sen, Ah Tem	4	1,396 0 4				1,396 0 4		
61-2847	Simon San Ling	1	9 0 0			91 0 0	100 0 0	See evidence of Henley and troopers. List A.	
61-2697	Ah Hon	1	51 0 0				51 0 0		
	Ah How	1	76 2 0				76 2 0		
	Ah Mun	1	38 18 0				38 18 0		
	Ah Shu	1	29 14 6				29 14 6		
	Ah Pat	1	35 15 0				35 15 0		
	Ah Kin	1	77 10 0				77 10 0		
	Ah You	1	22 4 0				22 4 0		
	Ah Chew	1	45 7 6				45 7 6		
	Ah Hon	1	42 17 0				42 17 0		
	Ah Sin	1	51 2 0				51 2 0		
	Ah Hu	1	48 14 0				48 14 0		
	Ah Luck	1	39 3 0			61 12 0	100 15 0		
							619 19 0	No appearance of claimants	

61-2881	Wong Assam	1	246 16 0			9 0 0	67 10 0	
61-2952	Ku Chong	1	67 10 0	77 10 0		10 0 0	80 0 0	
	Tong Tic	1	71 0 0			9 0 0	51 0 0	
	Jing Moo	1	40 0 0			10 19 6	79 7 0	
	Ah Gin	1	69 7 0			10 0 0	93 10 0	
	Ah New	1	86 10 0			7 0 0	97 5 0	
	Ah Hee	1	84 5 0			13 0 0	82 10 0	
	Ah Tuc	1	69 0 0			13 10 0		
1	Ah Leogh and mate	2				27 18 6		
2	Ah Tun	1	25 0 0	14 5 0		33 11 6		
3	Ah Yin and 3 mates	4	85 10 0			53 14 0		
4	Ah Sir and 2 mates	3	80 10 0			81 10 0		
5	Han Sun and 1 mate	2	28 0 0	20 0 0		65 9 0		
6	Ah Ncr and 2 mates	3	47 0 0			33 18 0		
7	Ah Yin, Ah Sin	2	62 10 0			81 2 0		
8	Ah Foo and 3 mates	4				35 11 0		
9	Le Pay	1	88 12 6	60 0 0		13 8 0		
10	Ah Ncu	1	61 7 3			14 3 0		
11	Ah My	1	85 14 6	27 0 0	2 2 0	13 2 6		
12	Ah Quay	1	63 9 3			15 7 6		
13	Ah Hough	1	12 0 0			14 10 0		
14	Ah Far, Ah Jer	2				32 12 0		
15	Ah Ong	1	24 8 0			13 14 0		
16	Ah Dhu	1	36 0 0	21 0 0		20 4 0		
17	Ah Saw and 6 mates	7	161 0 0			39 12 0		
18	John Lingway	1	42 5 0	304 8 0		18 5 0		
19	Ah Ching and 6 mates	7	36 0 0	28 0 0		37 8 0		
20	Ah Chin and 6 mates	7	77 0 0			41 13 0		
21	Ah Loh	1	23 0 0	28 0 0		16 16 0		
22	Le Soh	1	98 15 0	10 0 0		9 0 0		
23	I Y	1	65 5 0	70 0 0		14 0 0		
24	Ah Ming	1	73 2 6	24 0 0		12 10 0		
25	Nung Wook	1	72 7 6		50 0 0	14 10 0		
26	Sang Quay	1	209 19 6	13 10 0		10 1 0		
27	Tson Ah Tuk	1	63 5 0	52 10 0		36 10 0		
28	Ah Sin	1	23 5 0			11 2 0		
29	Ah Sue	1	16 5 0	20 0 0	10 0 0	21 0 0		
30	Ah Wah	1	33 15 0			15 13 0		
31	Ah Sur	1	11 5 0			14 0 6		
32	Ah Tseen	1	15 0 0			11 7 0		
33	Ah Pur	1	15 0 0	20 0 0		4 17 0		
34	Ah Sia	1	10 0 0	48 0 0		25 0 0		
35	Ah Chong and 5 mates	6	208 5 0			19 5 0	227 10 0	
35	Ah Sing and 2 mates	3	270 14 0	226 0 0		38 0 0	534 14 0	
	Ah Foot, Ah Luck	2	48 12 6	202 4 0		42 5 0	293 1 6	
	Ah Luk and 3 mates	4	95 19 6			9 5 0	105 4 6	
	Ah Sam and 11 mates	12	271 17 6			61 4 0	323 1 6	
	Ah See and 7 mates	8	295 2 6	12 18 0		33 0 0	341 0 6	
	Sam Mun and 2 mates	3	144 17 6			13 10 0	158 7 6	
	Ah Chow and 4 mates	5	72 10 0		50 0 0	11 0 0	133 10 0	
	Ah Kew	1	70 10 0	58 1 0			128 11 0	
	Ah Sam	1	50 0 0			15 0 0	65 0 0	
	Ah Yeh	1	70 0 0			6 0 0	76 0 0	
	Ah Chowic	1	23 17 6			7 0 0	30 17 6	
	Ah Hin and 3 mates	4	95 13 0			24 7 0	120 0 0	
	John Han and 6 mates	7	299 15 0			42 5 0	342 0 0	
	Carried forward	306	£14,401 17 1	2,983 9 0	162 2 0	2,235 9 6		16,893 19 7

No appearance of claimants.

No appearance of claimants.

Do. Unknown.

Do. Do.

Do. Do.

Do. Do.

Do. Do.

No appearance of claimants; themselves unknown.

See List A.

Do.

Claimant dead.

Duplicate lodged for a smaller amount.

Claimant not known.

Do.

Do.

Do.

Do.

Do.

Claimant appeared, but proved not to have been at Roll-up.

Claimant not known.

Do.

Do.

Claimant appeared, but claim fraudulent.

Do. do.

Claimant not known.

Claimant appeared, but claim fraudulent.

Claimant was very poor; claim fraudulent.

Claim fraudulent.

Do.

Do.

Do.

Claimant unknown.

Do.

Do.

Do.

Do.

Duplicate No. 61-2439.

Duplicate, No. 61-2450.

Do., No. 61-2451.

Do., No. 61-2452.

Do., No. 61-2438.

Do., No. 61-2436.

Do., No. 61-2410.

Do., No. 61-2395.

Do., No. 61-2396.

Do., No. 61-2562.

Do., No. 61-2562.

Do. do.

Do. do.

Do. do.

AGGRESSIONS ON CHINESE.

LIST OF CLAIMS, &c.—Continued.

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AGGRESSIONS ON CHINESE.

No. of Claim.	Names of Claimants.	No. of Men Claiming.	NATURE OF LOSSES.				Amount of Individual Claims.	Total Amount of Claims.	REMARKS.
			Gold, Notes, &c.	Opium.	Other Stores.	Tents, Tools, Clothing, &c.			
			£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.		
	Brought forward ..	306	14,401 17 1	2,988 9 0	162 2 0	2,285 9 6	16,893 19 7		
	Sue Nang and 3 mates ..	4	60 16 0	.....	.....	19 4 0	80 0 0	Duplicate, No. 61-2562.
	Ah Que and 9 mates ..	10	247 12 0	.....	.....	62 8 0	310 0 0	Do., do.
	Ah Chong and 4 mates ..	5	118 5 0	.....	.....	31 15 0	150 0 0	Do., do.
	Ah Mun and 5 mates ..	6	155 4 0	.....	.....	34 16 0	190 0 0	Do., do.
	Back Fang and 5 mates ..	6	198 10 0	.....	.....	33 10 0	232 0 0	Do., do.
	Ah Wong and 5 mates ..	6	152 9 0	.....	.....	37 11 0	190 0 0	Do., do.
	John Luck and 5 mates ..	6	169 19 6	.....	.....	45 0 6	215 0 0	Do., do.
	Wah Sue and 5 mates ..	6	163 5 0	.....	.....	36 16 0	200 0 0	Do., do.
							4,455 19 0		
36	Ah Hong and 15 mates ..	16	165 1 0	20 0 0	.....	72 10 6	257 11 6	See List A.
37	Mhun Ah Mun ..	1	85 0 8	.....	.....	21 6 6	106 7 2	Do.
38	Sau Fook and 5 mates ..	6	12 0 0	.....	.....	70 6 0	82 5 0	No appearance of claimant.
39	Ah Kow and 4 mates ..	5	15 7 6	9 0 0	.....	36 15 0	61 2 6	Do.
40	Ah Sue ..	1	29 16 0	18 0 0	.....	13 18 0	52 14 6	Do.
41	Tip a You ..	1	66 10 0	145 0 0	.....	29 8 2	240 13 2	Claimant appeared—(See duplicate No. 137.)
42	Low Sung, Yin Man ..	2	51 7 6	84 0 0	.....	12 4 0	147 11 6	No appearance of claimants.
43	Art Sar ..	1	9 0 0	68 0 0	.....	13 13 0	90 13 0	Do.
Translated Claims.									
1	Wing Foo and 3 mates ..	4	.....	.....	.....	46 8 6	46 8 6	See List A.
2	Wing Nai Chun and 4 mates ..	5	.....	.....	.....	68 7 0	68 7 0	Do.
3	Wing Loy and 2 mates ..	3	.....	.....	.....	38 18 0	38 18 0	Do.
4	Cheung Keon and 4 mates ..	5	.....	.....	.....	58 15 6	58 15 6	Do.
5	Wing Kok Keet and 2 mates ..	3	.....	.....	.....	44 1 0	44 1 0	No appearance of claimants.
6	Cheung Tien and 5 mates ..	6	.....	.....	.....	68 15 6	68 15 6	See List A.
7	Wing Kok Tu and 2 mates ..	3	.....	.....	.....	41 5 6	41 5 6	No appearance of claimants.
8	Wing Ying Ko and 3 mates ..	4	.....	.....	.....	41 11 6	41 11 6	See List A.
9	Chin Ty Sing and 2 mates ..	3	.....	.....	.....	27 18 0	27 18 0	Do.
10	Wing E Yin and 4 mates ..	5	.....	.....	.....	38 11 0	38 11 0	Do.
11	Wing Kwan Kim and 4 mates ..	5	.....	.....	.....	42 6 6	42 6 6	Do.
12	Wing Hop and 5 mates ..	6	.....	.....	.....	64 18 6	64 18 6	Duplicate, No. 67. (See List A.)
13	Leu Sum Ying and 3 mates ..	4	.....	.....	.....	36 1 6	36 1 6	Do.
14	Ng Oan Hin and 5 mates ..	6	.....	.....	.....	56 8 6	56 8 6	Do.
15	Chin Ping and 2 mates ..	3	.....	.....	.....	29 7 0	29 7 0	Do.
16	Chun Man and 2 mates ..	3	.....	.....	.....	42 17 0	42 17 0	No appearance of claimants.
17	Ng Man Kwang and 4 mates ..	5	.....	.....	.....	71 17 0	71 17 0	See List A.
18	Ly Ah Yee and 1 mate ..	2	.....	.....	.....	24 8 6	24 8 6	Do.
19	Wing Ah Loy ..	1	.....	.....	.....	8 9 0	8 9 0	No appearance of claimant.
20	Yung Ah Hung ..	1	.....	.....	.....	9 15 0	9 15 0	See List A.
21	Chung Gu Lun ..	1	.....	.....	.....	10 10 0	10 10 0	No appearance of claimant.
22	Lin Wan Chan and 1 mate ..	2	.....	.....	.....	17 8 0	17 8 0	See List A.
23	Chin Cha Leet and 1 mate ..	2	.....	.....	56 10 0	8 0 0	64 10 0	Believed to be fraudulent.
24	Chin Ah Yung and 1 mate ..	2	.....	.....	.....	22 11 0	22 11 0	No appearance of claimants.
25	Chin Wung Hon and 2 mates ..	3	.....	.....	.....	25 15 6	25 15 6	See List A.
26	Lo Ah Chi and 2 mates ..	3	.....	.....	.....	5 1 0	5 1 0	Do.
27	Chin Sum Kin and 4 mates ..	5	.....	.....	.....	37 8 0	37 8 0	Do.
28	Chin Sing Ting and 4 mates ..	5	.....	.....	.....	35 3 0	38 3 0	Do.
29	Lin Yum Air and 5 mates ..	6	.....	.....	.....	67 7 0	67 7 0	Do.
30	Kung Ah Lee and 2 mates ..	3	.....	.....	.....	27 6 6	27 6 6	Do.
31	Hong King and 2 mates ..	3	.....	.....	.....	36 2 0	36 2 0	Do.
32	Chow Ping and 6 mates ..	7	.....	.....	.....	40 17 0	40 17 0	Do.
33	Le Fook Seen and 2 mates ..	3	.....	.....	.....	33 12 6	33 12 6	Do.

34	Leung Hung and 7 mates..	8				60 5 6		60 5 6	See List A.
35	Leung Yat Sun ..	1				14 0 0		14 0 0	Do.
36	Ng Ah Ky ..	1				13 13 0		13 13 0	Do.
37	Ma Fook ..	1			50 17 0	14 12 0		65 9 0	Do.
33	Leung Ah Woo and 1 mate	2				30 4 0		30 4 0	Do.
39	Leung Ah Chow and 4 mates	5				53 6 0		53 6 0	Do.
40	Wong Chew ..	2				23 10 0		23 10 0	Do.
41	Cheung Ah Chow ..	2				20 9 0		20 9 0	Do.
42	Chin Chong..	6				44 13 6		44 13 6	Do.
43	Choy Kum Sum ..	2				13 13 6		13 13 6	Do.
44	Leung Chok Chum ..	2				22 0 0		22 0 0	Do.
45	Wong Ah Qui ..	2				19 10 0		19 10 0	No appearance of claimants.
46	Cheung Fy Fy ..	1				10 0 0		10 0 0	Do.
47	Ng Keep ..	1				5 10 0		5 10 0	Do.
48	Chin Ah Pa..	6				32 11 0		32 11 0	See List A.
49	Yung Ah Chiu ..	1				6 5 0		6 5 0	Do.
50	Chun Ah Ming ..	1				8 1 0		8 1 0	No appearance of claimants.
51	Teung Ah Soy ..	1				8 2 0		8 2 0	Do.
52	Chan Ah Hung ..	1				9 18 0		9 18 0	See List A.
53	Ham Ah Sung ..	1				11 0 0		11 0 0	No appearance of claimants.
53 1/2	Mok Wing So ..	4				34 0 0		34 0 0	See List A.
54	Wong Hoy Hing ..	3				29 11 6		29 11 6	Do.
55	Wing Hoy Ming ..	4				26 0 0		26 0 0	These claimants are suspected not to have been at Roll-up.
56	Wong Chu ..	3				32 7 6		32 7 6	
57	Chin Ah Wy ..	2				25 0 0		25 0 0	These claimants lost nothing.
58	Wong Lung King ..	2				18 2 6		18 2 6	See List A.
59	Chou Ah Shak ..	6				62 17 0		62 17 0	Do.
60	Fou Shak ..	6				65 6 0		65 6 0	Do.
61	Chin Chung Sam ..	6				33 9 6		33 9 6	Do.
62	Wong Chu ..	6				27 14 0		27 14 0	Duplicate No. 56.
63	Chin Leung..	7				27 4 0		27 4 0	Duplicate. (See List A.)
64	Chin Tu ..	5				17 1 6		17 1 6	No appearance of claimant.
65	Lin You ..	5				37 1 0		37 1 0	Do.
66	Lin King ..	4				26 19 6		26 19 6	Do.
67	Wong Hop ..	6				58 7 0		58 7 0	Duplicate No. 12; fraudulent.
68	Wong Ping ..	0				46 3 0		46 3 0	No appearance of claimant.
69	Wong Ching ..	4				33 4 0		33 4 0	Do.
70	Chung Chun Kang ..	2				13 4 0		13 4 0	See List A.
71	Wong Chan Ho ..	6				37 17 0		37 17 0	No appearance of claimants.
72	Wong Ping ..	5				20 12 0		20 12 0	Do.
73	Leung Lip Chun ..	6				55 16 0		55 16 0	Duplicate No. 242-2; List A.
74	Wong Hok Kun ..	5				46 13 6		46 13 6	No appearance of claimants.
75	Leung Yung ..	6				51 14 6		51 14 6	See List A.
76	Wong Lo Sat ..	1				13 10 0		13 10 0	Do.
77	Chan Pong Hong ..	3				30 17 0		30 17 0	Do.
78	Ham Ah You ..	2				24 3 0		24 3 0	Do.
79	Leung Chin Kan ..	4				34 12 6		34 12 6	Do.
80	On Hung Chung ..	4				27 7 0		27 7 0	Do.
81	Su Choy ..	6				42 10 0		42 10 0	Do.
82	Leung Soy Wo ..	4				17 4 6		17 4 6	Do.
83	Wong Ga ..	4				25 0 6		25 0 6	Do.
84	Choy Hok Foo ..	7				45 4 0		45 4 0	Do.
85	Lu Yun Chan ..	8				44 5 0		44 5 0	Do.
86	Yung Ah Ga ..	1				12 3 6		12 3 6	Do.
87	Wong Ah Teen ..	4				35 17 0		35 17 0	No appearance of claimants.
88	Wong Kow ..	4				46 1 6		46 1 6	Do.
89	Leung Mi Koy ..	2				10 9 0		10 9 0	See List A.
	Carried forward ..	720	16,093 0 9	3,327 9 0	269 9 0	5,693 18 8		25,833 17 5	

LIST OF CLAIMS, &c.—Continued.

No. of Claim.	Names of Claimants.	No. of Men Claiming.	NATURE OF LOSSES.				Amount of Individual Claims.	Total Amount of Claims.	REMARKS.
			Gold, Notes, &c.	Opium.	Other Stores.	Tents, Tools, Clothing, &c.			
			£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.		
	Brought forward	720	16,093 0 9	3,927 9 0	269 9 0	6,693 18 8	25,383 17 5		
90	Wong Che	3				22 4 0	22 4 0	No appearance of claimants.	
91	Wong Cheung	4				42 0 6	42 0 6	Do.	
92	Wong Heen He	1				28 16 0	28 16 0	See List A.	
93	Fong Sai Chu	5				32 5 0	32 5 0	Do.	
93½	Leung Yeen	7				76 8 6	76 8 6	Do.	
94	Le Ah Oun	3				28 16 0	28 16 0	No appearance of claimants.	
94½	Chin Chung	4				30 4 0	30 4 0	Do.	
95	Wong Che Yow	4				31 2 6	31 2 6	See List A.	
96	Le Kwang Yip	1				11 0 0	11 0 0	Duplicate No. 121—(List A.)	
97	Wong Hoo	4				27 9 0	27 9 0	No appearance of claimants.	
98	Leung Kim	4				40 5 0	40 5 0	See List A.	
99	Leung Yu To	6				46 16 0	46 16 0	Do.	
100	Leung Sing	4				20 16 0	20 16 0	Do.	
101	Chin Ou Wy	6				40 0 6	40 0 6	Fraudulent claim.	
102	Chung Soon Ty	2				22 9 6	22 9 6	Do.	
103	Chun King	4				49 17 0	49 17 0	Do.	
104	Luing Ah Po	6				43 16 0	43 16 0	See List A.	
105	Woon Kap Sun	3				23 10 6	23 10 6	Do.	
106	Chin Ty Chun	4				41 5 0	41 5 0	Do.	
107	Woon Ah Kap	2				22 19 0	22 19 0	Do.	
108	Lam Sam	3				16 8 0	16 8 0	Do.	
109	Chan Chik Kun	4				31 6 6	31 6 6	Do.	
110	Chan Ho Hung	1				11 18 0	11 18 0	No appearance of claimant.	
111	Chan Chung Kow	2				10 0 0	10 0 0	No appearance of claimants.	
112	Wong Sow Kun	5				50 6 0	50 6 0	Do.	
113	Hoy Kow	4				27 14 0	27 14 0	See List A.	
114	Hoy Ah You	3				32 5 6	32 5 6	No appearance of claimants.	
115	Chew Ah Ching	6				45 6 6	45 6 6	Duplicate.	
116	Fong Tuk Hin	4				18 8 0	18 8 0	No appearance of claimants.	
117	Wing Chik	4				39 7 0	39 7 0	Do.	
118	Tang Yin Fun	1				9 9 0	9 9 0	Do.	
119	Tang Fon Hun	1				18 15 0	18 15 0	Do.	
120	Wong Se	1				20 13 0	20 13 0	Do.	
121	Le Kwang Yip	1				10 2 0	10 2 0	Duplicate, No. 96.	
122	Chung Ah Fook	2				15 8 0	15 8 0	No appearance of claimants.	
123	Chan Ah Sing	2				16 9 0	16 9 0	See List A.	
124	Tang Gu Heem	4				38 8 0	38 8 0	Do.	
125	Leong Pong Seen	3				35 18 6	35 18 6	Do.	
126	Fung Ah Wy	4				31 3 0	31 3 0	No appearance of claimants.	
127	Ng Ping King	4				7 7 0	7 7 0	Do.	
128	Ham Ah You	2				15 10 0	15 10 0	Do.	
129	Choy Sam Fook	1				13 9 0	13 9 0	Do.	
130	Toy Chu Fook	1				12 6 0	12 6 0	See List A.	
131	Wing Hing	1				15 11 0	15 11 0	Do.	
132	Ng Ah Hing	2				15 0 0	15 0 0	Do.	
133	Wing Chak You	4				19 2 0	19 2 0	Do.	
134	Wing Sun Hu	1				14 7 0	14 7 0	Do.	
135	Young Ah Cho	3				23 9 0	23 9 0	No appearance of claimants.	
136	Yin Sing	4				32 1 0	32 1 0	See List A.	
137	Ye Ah You	6				22 12 0	22 12 0	Duplicate, No. 41.	
138	Muk So Sing	1				4 16 0	4 16 0	No appearance of claimants.	
139	Chu Yin Sing	3				21 1 6	21 1 6	See List A.	
140	Sung Yung	2				14 5 0	14 5 0	No appearance of claimants.	

141	Le Heung	4				29 17 0	29 17 0	See List A.
142	Kivci Sing	2				14 15 0	14 15 0	Do.
143	Cheang Leang	2				27 12 0	27 12 0	Do.
144	Wong Chun	2				14 19 0	14 19 0	Do.
145	Hing Yean Hok	4				32 11 0	32 11 0	This is a very doubtful claim.
146	Wing Ah Leung	2				28 10 0	28 10 0	See List A.
147	Chiu Ah Hung	2				15 1 0	15 1 0	Do.
148	Lo Ah Hung	2				12 0 0	12 0 0	Do.
149	Ng Ah Tie	4				30 17 6	30 17 6	Do.
150	Lun Ping	2				22 17 0	22 17 0	No appearance of claimant.
151	Hing Ah To	2				21 10 0	21 10 0	See List A.
152	Chew Ah Korn	4				30 16 0	30 16 0	No appearance of claimant.
153	Wong Yee	2				15 14 0	15 14 0	Do.
154	Low Se	2				19 17 0	19 17 0	See List A.
155	Yung Shew	2				21 11 0	21 11 0	Do.
156	Chiu Yee	2				16 14 0	16 14 0	No appearance of claimant.
157	Wing Fee	2				14 11 6	14 11 6	See List A.
158	Wing Tung Fook	1				11 3 0	11 3 0	No appearance of claimant.
159	Chiu Ah Kang	2				22 18 0	22 18 0	See List A.
160	Ye Ah Yon	4				17 3 0	17 3 0	No appearance of claimant.
161	Chiu Ah Chung	1				10 19 0	10 19 0	See List A.
162	Leun Fan Look	2				19 16 0	19 16 0	Do.
163	Chiu Kok Ko	2				16 8 0	16 8 0	Do.
164	Ng Cheung	2				21 17 0	21 17 0	Do.
165	Wong Fat	1				16 3 0	16 3 0	Do.
166	John Habbeck	1		10 0 0	45 0 0	6 15 0	6 15 0	Do.
167	Lam Sam	2				35 11 0	35 11 0	Do.
168	Lou Ah Po	1				10 4 0	10 4 0	Do.
169	Cheung Ah Fat	2				24 9 0	24 9 0	Do.
170	Wong Sing Tong	3				26 17 0	26 17 0	Do.
171	Chay Hee	3				20 2 0	20 2 0	Do.
172	Leung Ah Yin	12				78 4 0	78 4 0	Do.
173	Wing Wing Kee	2				21 10 0	21 10 0	No appearance of claimants.
174	Tang Chiung	2				25 3 6	25 3 6	See list A.
175	Chan Kang Leung.. .. .	2				21 19 6	21 19 6	Do.
176	Lin Ah Sam	2				61 9 0	61 9 0	Do.
177	Low Ah Huk	2				23 18 0	23 18 0	Do.
178	Wong Ah Hok	3				32 2 6	32 2 6	Do.
179	Tang Oun	2				15 19 6	15 19 6	Duplicate No. 248.—(List A.)
180	Chiu Ah Oun	2				22 6 0	22 6 0	Do.
181	Siu Fo Chak	1				9 12 0	9 12 0	No appearance of claimant.
182	Chiu Ah Yeen	1				11 13 0	11 13 0	See List A.
183	Leung Ah Chun	4				37 1 0	37 1 0	Believed to be fraudulent.
184	Wong E. Ching	1				10 18 0	10 18 0	See List A.
185	Chiu A. Tuk	1				16 4 0	16 4 0	No appearance of claimant.
186	Le Hiao	2				14 17 0	14 17 0	Supposed fraudulent claim.
187	Koo Ah See.. .. .	1				13 15 0	13 15 0	See List A.
188	Mui Ah Yean	2				26 6 6	26 6 6	Do.
189	Fang Kung Cho	1				23 13 0	23 13 0	Do.
190	Ng Ah Keang	2				22 17 0	22 17 0	Do.
191	Ho Ah King	1				10 0 0	10 0 0	This claimant was not at the Roll-up.
192	Yeep Ah Ping	1				12 4 0	12 4 0	No appearance of claimant.
193	Le Ah Sing	2				13 15 0	13 15 0	See List A.
194	Wing Hi Loon	2				13 0 0	13 0 0	Do.
195	Wing Sen	4				21 6 0	21 6 0	Do.
196	Chiu Kung Ping	3				29 13 0	29 13 0	Do.
197	Chon Ah Leen	4				34 5 0	34 5 0	Do.
	Carried forward	1,018	16,098 0 9	3,337 9 0	814 9 0	8,325 19 8	28,070 18 5	

LIST OF CLAIMS, &c.—Continued.

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AGGRESSIONS ON CHINESE.

No. of Claim.	Names of Claimants.	No. of Men Claiming.	NATURE OF LOSSES.				Amount of Individual Claims.	Total Amount of Claims.	REMARKS.
			Gold, Notes, &c.	Opium.	Other Stores.	Tents, Tools, Clothing, &c.			
			£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.		
	Brought forward ..	1018	16,093 0 9	3,337 9 0	314 9 0	8,325 19 8	28,070 18 5		
198	Chin Ning ..	3	.....	.....	.....	26 0 0	26 0 0	See List A.
199	Ho Ah My ..	4	.....	.....	.....	36 0 0	36 0 0	Do.
200	Yuing Ah Sin ..	1	.....	.....	.....	13 7 0	13 7 0	Do.
201	Tuan Ah Chong ..	1	.....	.....	.....	13 4 0	13 4 0	Do.
202	Low Ah Qui ..	4	.....	.....	.....	28 8 0	28 8 0	Do.
203	Tip Chung ..	3	.....	.....	.....	26 10 0	26 10 0	Do.
204	Chin Ah Chung ..	4	.....	.....	.....	27 2 0	27 2 0	Do.
205	Wong Sung ..	2	.....	.....	.....	18 6 0	18 6 0	Do.
206	Sung Ah Tung ..	2	.....	.....	.....	16 18 0	16 18 0	Do.
207	Wong Ah Hing ..	2	.....	.....	.....	15 4 0	15 4 0	Do.
208	Liu Ah Sun ..	3	.....	.....	.....	17 8 6	17 8 6	Do.
209	Ng Ah Chuk ..	2	.....	.....	.....	23 2 0	23 2 0	Do.
210	Ho Ah Gee ..	2	.....	.....	.....	22 9 6	22 9 6	Do.
211	Wong Ah Chow ..	2	.....	.....	.....	14 13 6	14 13 6	No appearance of claimant.
212	Low Ah Ya ..	4	.....	.....	.....	22 9 0	22 9 0	See List A.
213	Lum Yip Tang ..	1	.....	.....	.....	8 16 0	8 16 0	Duplicate.
214	Liu Ah Luk ..	2	.....	.....	.....	13 0 0	13 0 0	Fraudulent.
215	Man Yu ..	1	.....	.....	.....	10 3 0	10 3 0	See List A.
216	Len Sam ..	3	.....	.....	.....	36 1 6	36 1 6	Duplicate.
217	Cho Chum Fin ..	1	.....	35 0 0	159 0 0	18 10 0	212 10 0	See List A.
218	Luk Ah Hop ..	1	.....	.....	.....	9 12 0	9 12 0	Duplicate.
219	Lum Ty Coon ..	2	.....	.....	.....	12 19 0	12 19 0	Fraudulent.
220	Lee Ah Foo ..	5	.....	.....	.....	31 6 6	31 6 6	See List A.
221	Mun Kok ..	1	.....	.....	.....	5 12 0	5 12 0	No appearance of claimant.
221½	Hung Kwong ..	2	.....	.....	.....	22 15 0	22 15 0	See List A.
222	Chin Kwong Hang ..	1	.....	.....	.....	13 3 0	13 3 0	Do.
223	Hu Gee ..	1	.....	.....	.....	12 15 0	12 15 0	No appearance of claimant.
224	Le Ah Po ..	1	.....	.....	.....	18 9 0	18 9 0	Do.
225	Le Ah Kee ..	3	.....	.....	.....	27 0 0	27 0 0	See List A.
226	Sum Lung ..	2	.....	.....	.....	9 13 0	9 13 0	Do.
227	Wong Ah Hing ..	1	.....	.....	.....	9 8 0	9 8 0	No appearance of claimant.
228	Wong Ah Ying ..	3	.....	.....	.....	22 17 0	22 17 0	Duplicate.
229	Wong Cho ..	2	.....	.....	.....	22 11 6	22 11 6	See List A.
230	Kok Che Nam ..	2	.....	.....	.....	18 0 0	18 0 0	Do.
231	Chin Sin ..	4	.....	.....	.....	27 2 0	27 2 0	Duplicate.
232	Wan Yee ..	2	.....	.....	.....	14 12 0	14 12 0	See List A.
233	Chun Kwong ..	2	.....	.....	.....	15 6 0	15 6 0	Do.
234	Fing Chuk King ..	4	.....	.....	.....	25 11 0	25 11 0	Do.
235	Ng Chin Ching ..	1	.....	.....	181 0 0	13 9 0	144 9 0	Fraudulent.
236	Hong Kong Poom ..	4	.....	.....	.....	23 1 0	23 1 0	See List A.
237	Lung Sam ..	3	.....	.....	.....	24 19 6	24 19 6	Do.
238	Ng Hok Poon ..	4	.....	.....	.....	37 1 0	37 1 0	This claim is very doubtful.
239	Chin Ah Lut ..	1	.....	.....	.....	12 14 0	12 14 0	See List A.
240	Hean Gin Chy ..	2	.....	.....	.....	10 19 0	10 19 0	No appearance of claimant.
241	Wong Sin ..	2	.....	.....	.....	15 13 6	15 13 6	See List A.
242	Ma Sam ..	5	.....	.....	.....	16 15 6	16 15 6	Do.
242½	Leung Lip Chow ..	6	.....	.....	.....	30 17 0	30 17 0	Duplicate, No. 73.
243	Le Ky Leang ..	3	.....	.....	.....	20 8 6	20 8 6	Fraudulent.
244	Ng Ah Sing ..	2	.....	.....	.....	25 3 6	25 3 6	See List A.

245	Le Wan	2				19 13 0	19 13 0	See List A.
246	Wong Sai	2				22 2 0	22 2 0	Do.
247	Fing Kee Chung	2				24 13 0	24 13 0	Do.
248	Tang Oun	2				17 16 0	17 16 0	Duplicate, No. 179.
249	Le Man Ching	1			114 7 0	8 16 0	114 7 0	Fraudulent.
250	Le Ah Mew	2				18 19 6	3 16 0	No appearance of claimant.
251	Chin Ah Chuk	2				85 11 0	18 19 6	Do.
252	Wong Sun Kok	5				37 5 0	85 11 0	See List A.
253	Wing Win	5				11 12 0	37 5 0	Do.
254	Wong Ah Yeh	1	49 10 0	7 0 0	57 19 0	11 12 0	126 1 0	Fraudulent.
255	Fong Mang	5				22 7 0	22 7 0	See List A.
256	Lup Chung	1	30 0 0	53 0 0	69 4 0	11 11 0	168 15 0	Fraudulent.
257	Leon Wy Tuk	5				40 13 0	40 13 0	See List A.
258	Choin Tuk	4				42 14 0	42 14 0	No appearance of claimants.
259	Wong Yun	5	94 3 0			61 19 0	156 2 0	Fraudulent.
260	Tan Nium	2				23 19 0	23 19 0	No appearance of claimants.
261	Chan Lup	3				57 6 0	57 6 0	Duplicate.
262	Wong Tuk Chow	4				42 16 0	42 16 0	See List A.
263	Ng Che Kwong	3	35 5 0			27 11 6	62 16 6	Duplicate.
264	Sit Chung	3	31 10 6			29 12 6	61 3 0	No appearance of claimants.
265	Chew Kow	6				25 15 0	25 15 0	Duplicate, 302.
266	Chin No	4				46 10 6	46 10 6	See List A.
267	Yung Chuk Pak	5	31 0 0			26 3 6	57 3 6	Fraudulent.
268	Lev Tuk	2				42 18 0	42 18 0	No appearance of claimants.
269	Chew Hong	6				38 14 0	38 14 0	See List A.
270	Wong Sir	4				32 10 6	32 10 6	Fraudulent.
271	Lok Lung Yeh	5				34 18 0	34 18 0	See List A.
272	Chun Kuen	2				29 12 0	29 12 0	No appearance of claimants.
273	Lev Ah Lok	2	461 2 0			47 15 0	508 17 0	Do. Believed to be fraudulent.
274	Lung Wy	4				66 15 6	66 15 6	See List A.
275	Lung Chung Fung	7	273 10 0			65 7 6	338 17 6	No appearance of claimants.
276	Lung Ah Tong	6				54 9 0	54 9 0	Do.
277	Low To Chim	6				80 13 0	30 13 0	See List A.
278	Ah Cheong	4				39 5 0	39 5 0	No appearance of claimants.
279	Ng Ah Choin	3				22 10 6	22 10 6	Do.
280	Wong Kit	7				52 18 0	52 18 0	Fraudulent.
281	Kok Won	4	59 8 9			52 12 0	112 0 9	No appearance of claimants.
282	Chun Chin	3				29 9 0	29 9 0	Do.
283	Ah Hung	6				43 6 0	43 6 0	See List A.
284	Chun Ah Pak	1		42 0 0	50 0 0	15 1 0	107 1 0	Fraudulent.
285	Chew Chun Shin	6				45 0 0	45 0 0	No appearance of claimants.
286	Low Kew	1	36 0 0				36 0 0	See List A.
287	Chun Chuk	1	67 0 0	80 0 0		15 7 0	162 7 0	Fraudulent.
288	Leong Bo	4				36 15 6	36 15 6	See List A.
289	Leong Fung Hung	1		63 10 0	15 15 0	24 13 0	103 13 0	Believed to be fraudulent.
290	Sung Ng	1	9 0 0			14 4 0	23 4 0	See List A.
291	Ung Ah Choin	3				22 10 6	22 10 6	Duplicate.
292	Kew Chun Wan	1				10 13 0	10 13 0	See List A.
293	Mak Ah Hing	1				14 8 0	14 8 0	Do.
294	Sin Ng Fun	4				19 10 0	19 10 0	Do.
295	Yun Yan Sing	4				35 12 6	35 12 6	Do.
296	Wong Ah Wing	3				26 12 0	26 12 0	Do.
297	Chen Y Cheong	2				17 11 0	17 11 0	Do.
298	Ah Mow	2				9 4 6	9 4 6	No appearance of claimants.
299	Tuk Chun	3				23 16 6	23 16 6	Do.
300	Ah Heon	4				31 4 0	31 4 0	Duplicate.
	Carried forward ..	1,834	17,270 10 0	3,622 19 0	911 14 0	11,031 7 2	32,889 10 2	

AGGRESSIONS ON CHINESE.

LIST OF CLAIMS, &c.—Continued.

No. of Claim.	Names of Claimants.	No. of Men Claiming.	NATURE OF LOSSES.				Amount of Individual Claims.	Total Amount of Claims.	REMARKS.
			Gold, Notes, &c.	Opium.	Other Stores.	Furniture, Tools, Clothing, &c.			
			£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.		
	Brought forward ..	1,334	17,270 10 0	3,622 19 0	911 14 0	11,094 7 2	32,889 10 2		
301	Hong Kung	3	.....	.....	.....	28 8 0	28 8 0	No appearance of claimants.
302	Chew Kow	5	.....	.....	.....	14 6 0	14 6 0	Duplicate, No. 265.
303	Chun Ah Sing	6	.....	.....	.....	60 16 0	60 16 0	No appearance of claimants.
304	Leong Ah Kew	1	132 10 0	.....	.....	9 2 0	141 12 0	See List A.
305	Leong Hin	1	.....	.....	.....	8 7 0	8 7 0	Do.
306	Leo Ho	2	.....	54 0 0	.....	9 4 6	63 4 6	No appearance of claimants.
307	Wing My Kow	10	.....	.....	.....	84 10 0	84 10 0	See List A.
308	Chin Quin Po	3	91 17 6	.....	.....	29 9 0	121 6 6	Do.
309	Gun Hong Hong	2	183 15 0	.....	.....	36 0 0	218 15 0	Do.
310	Ng Yong Hong	4	.....	.....	.....	40 4 0	40 4 0	No appearance of claimants.
311	Ku Ah Cheon	2	.....	.....	.....	23 18 0	23 18 0	Do.
312	Chun Chung	2	70 0 0	.....	40 0 0	20 10 0	130 10 0	Do. —Supposed duplicate.
313	Chin Lun Chan	4	.....	.....	.....	34 9 6	34 9 6	Not present at the Roll-up.
314	Chun Yung Kan	6	.....	.....	.....	32 4 0	32 4 0	No appearance of claimants.
315	Le Long Fat	2	.....	.....	23 14 0	14 5 0	37 19 0	See List A.
316	Ng Ah Sow	1	.....	44 10 0	.....	13 15 0	58 5 0	No appearance of claimants.
317	Chow Sut Kin	6	.....	.....	.....	27 8 6	27 8 6	Duplicate.
318	Chun Ah Fu	5	.....	.....	.....	23 9 0	23 9 0	See List A.
319	Wong Ah Long	5	.....	.....	.....	41 9 0	41 9 0	Do.
320	Lung Sing Heep	4	94 15 0	.....	.....	23 3 0	117 18 0	Do.
321	Wong Ah Sir	2	7 0 0	60 0 0	38 0 0	19 15 0	114 15 0	Do.	
322	Yung Ah Yun	4	.....	.....	.....	26 8 0	26 8 0	Do.
323	Chun Ti Nan	6	.....	.....	.....	80 19 6	80 19 6	Do.
324	Lui Kow	2	.....	.....	.....	19 8 6	19 8 6	No appearance of claimants.
325	Leong Fun Hung	4	.....	.....	.....	48 10 6	48 10 6	Duplicate.
326	Leong Ah Hin	4	.....	.....	.....	27 4 0	27 4 0	See List A.
327	Wong Ah Chung	6	.....	.....	.....	57 8 6	57 8 6	No appearance of claimants.
328	Kun Ah Quo	2	.....	.....	.....	14 1 0	14 1 0	Do. —Duplicate.
329	Chin Ah Chung	7	20 0 0	.....	.....	76 16 0	96 16 0	Do. —Do.
330	Yan Hin Wan	2	10 0 0	84 2 0	100 0 0	20 19 0	215 1 0	Do. —Fraudulent.	
331	Wong He Lan	4	10 0 0	.....	.....	21 10 0	31 10 0	Do. —Duplicate.
332	Chun Ah Ling	1	.....	70 0 0	.....	16 0 0	86 0 0	Do. —Duplicate.
333	Chun Ah Chuk	3	16 17 6	.....	.....	33 7 6	50 5 0	Do. —Fraudulent.
334	Chin Tuk	3	48 8 6	4 0 0	.....	14 12 0	67 0 6	Do.
335	Nong Qui Tu	3	.....	55 0 0	.....	16 10 0	71 10 0	Do.
336	Chew Mong	1	18 15 0	27 0 0	.....	7 19 0	53 14 0	Do.
337	Ng Ah Chi	1	12 0 0	.....	.....	4 10 0	16 10 0	Do.
338	Ah Sue	1	187 10 0	384 0 0	420 0 0	.....	991 10 0	See List A.
339	Chuk Bow	1	.....	34 4 0	.....	.....	48 15 0	Claimant not at Roll-up.
340	Sui Sam	6	341 0 0	.....	.....	14 11 0	377 17 6	Claimants not at Roll-up.

341	Yung Tuk Sing	2	75 2 6	.....	.....	29 15 0	.....	104 17 6	See List A.
342	Yung Poi Lum	7	139 7 6	.....	.....	63 11 0	.....	203 18 6	Fraudulent.
343	Leong Cho	2	.....	44 0 0	289 2 0	41 12 0	.....	374 14 0	See List A.
344	Le Kam	5	.....	.....	.....	29 12 0	.....	29 12 0	No appearance of claimants.
345	Leong An Tsi	5	23 0 0	.....	.....	24 1 6	.....	47 1 6	This is a doubtful claim.
346	Chow Youi Chum	4	30 12 6	.....	.....	38 14 0	.....	69 6 6	See List A.
347	Chung Hin Fat	2	63 15 0	.....	.....	25 13 6	.....	92 14 6	Do.
348	Mak You Pun	4	51 5 0	.....	.....	39 1 0	.....	100 6 0	No appearance of claimant.
349	Ho Pak Sung	7	.....	.....	.....	41 14 0	.....	41 14 0	See List A.
350	Choni Mu Hung	4	25 0 0	.....	.....	41 16 0	.....	66 16 0	Do.
351	Low Ah Wun	2	.....	.....	.....	17 5 0	.....	17 5 0	No appearance of claimants.
352	Wong Kum Chun	1	.....	.....	.....	5 18 0	.....	5 18 0	Do.
353	Wong Chu Chun	2	20 0 0	62 10 0	10 0 0	15 5 0	.....	107 15 0	Do.
354	Cho Hu Hun	1	26 0 0	180 12 0	162 0 0	38 2 0	.....	406 14 0	Claimant not at Roll-up.
355	Wong Chau Ho	4	150 15 0	15 0 0	.....	49 13 6	.....	215 8 6	Fraudulent claim.
356	Lei Pak Hing	4	40 0 0	.....	.....	41 18 0	.....	81 18 0	See List A.
357	Le Ah Po	1	50 0 0	90 0 0	.....	41 0 0	.....	181 0 0	Claimant not at Roll-up.
358	Yung Ah Wo	1	18 10 0	.....	.....	116 10 0	.....	135 0 0	Fraudulent claim.
359	Lu Ah Kung	1	.....	40 0 0	.....	64 4 0	.....	104 4 0	Do.
360	Leong Yat Sun	1	.....	.....	.....	14 5 0	.....	14 5 0	No appearance of claimant.—Duplicate.
361	Kok Ah Chu	2	210 5 0	.....	.....	29 13 0	.....	239 18 0	Fraudulent claim.
362	Leong Ah Su	7	.....	.....	.....	66 18 0	.....	66 18 0	See List A.
363	Wong Ah Wy	3	.....	.....	.....	29 7 0	.....	29 7 0	Do.
364	Lee Ah Wy	4	25 0 0	56 0 0	85 0 0	23 9 6	.....	189 9 6	No appearance of claimant.
365	Luk Hop	1	41 7 6	.....	.....	11 10 0	.....	52 17 6	Do. —Duplicate.
366	Wong Ah Ng	1	32 0 0	.....	.....	14 6 0	.....	46 6 0	Duplicate.
367	Lung Ah Ik	2	24 7 6	.....	.....	21 13 0	.....	46 0 6	Fraudulent.
368	Un Ah Wah	1	255 5 0	.....	.....	6 1 0	.....	261 6 0	Do. No appearance.
369	Wong Chau See	1	10 0 0	.....	50 0 0	22 3 0	.....	82 3 0	See List A.
370	Wong Chuk Wa	5	.....	.....	.....	70 9 6	.....	70 9 6	Do.
371	Chun Ah Tuk	4	.....	.....	.....	45 2 0	.....	46 2 0	Do.
372	Tong Ung	2	.....	.....	.....	21 4 0	.....	21 4 0	No appearance of claimants.
373	Wong Ah Chuk	3	.....	.....	.....	43 12 6	.....	43 12 6	Duplicate.
374	Wong Ah Chick	1	247 7 0	.....	.....	25 8 0	.....	272 15 0	Claimant not at Roll-up.
TOTALS		1,568	£20,088 18 0	4,917 17 0	2,129 10 0	13,492 4 8	.....	40,623 9 8	

WILLIAM D. CAMPBELL,
Commissioner.

A.

LIST of Approved Claims lodged by Chinese for Compensation for Losses said to have been sustained by them at Sawpit Gully and Back Creek, on the Burrangong Gold Field, on 30 June, 1861, referred to in Report thereon by William D. Campbell.

No. of Claim.	Names of Claimants.	No. of Men in Claim.	NATURE OF LOSSES.				Amount of Claims.	REMARKS.	Amount Approved.
			Gold, Notes, &c.	Opium.	Other Stores.	Tents, Tools, Clothing, &c.			
			£ s. d.	£ s. d.	£ s. d.	£ s. d.		£ s. d.	
61-2353	Fee Ebin, Ying Fong, Pon Chaw, } A Kin, Wong Lock ..	5	405 0 0	300 0 0	.....	50 0 0	755 0 0	These claimants appeared to prove their claim, but could not show that they had lost to a greater extent than about £150 in goods, besides tents, clothing, &c.	200 0 0
61-2347	Simon San Ling	1	9 0 0	.....	.....	91 0 0	100 0 0		50 0 0
8	Ah Foo and 3 mates	4	.....	.....	.....	35 11 0	35 11 0	Should be £32 11s.; allow for wear, one-half	16 5 6
9	Le Pay	1	88 12 6	60 0 0	.....	13 8 0	162 0 6	Had no opium; cash doubtful	4 15 0
37	Mhun Ah Mun	1	85 0 8	.....	.....	21 6 6	106 7 2	This claimant lost the full amount stated	97 4 11
36	Ah Hong and 15 mates	16	165 1 0	20 0 0	.....	72 10 6	257 11 6	No evidence of loss beyond clothing, &c.	96 5 3
Translations.									
1	Heng San and 3 mates	4	.....	.....	.....	46 8 6	46 8 6	Deduct one-half for tear and wear	23 4 3
2	Wong Nai Chun and 4 mates	5	.....	.....	.....	68 17 0	68 17 0	Do.	34 8 6
3	Wong Low and 2 mates	3	.....	.....	.....	38 13 0	38 13 0	Do.	19 9 0
4	Cheung Koon and 4 mates	5	.....	.....	.....	58 15 6	58 15 6	Do.	29 7 9
6	Cheung Teen and 5 mates	6	.....	.....	.....	68 15 6	68 15 6	Do.	34 7 9
8	Wong Ying Kee and 3 mates	4	.....	.....	.....	41 11 6	41 11 6	Do.	20 15 9
9	Chin Ty Sing and 2 mates	3	.....	.....	.....	27 13 0	27 13 0	Do.	13 13 0
10	Wong E Yon and 4 mates	5	.....	.....	.....	38 11 0	38 11 0	Do.	19 5 6
11	Wong Kwam Kin and 4 mates	5	.....	.....	.....	42 6 6	42 6 6	Do.	21 3 3
12	Wing Hop and 5 mates	6	.....	.....	.....	64 13 6	64 13 6	Do.	32 9 3
13	Sen Lam Ying and 3 mates	4	.....	.....	.....	36 1 6	36 1 6	Do.	18 0 9
14	Ng Oun Hin and 5 mates	6	.....	.....	.....	56 8 6	56 8 6	Do.	28 4 3
15	Chin Ping and 2 mates	3	.....	.....	.....	29 7 0	29 7 0	Do.	14 13 6
17	Ng Man Kwong and 4 mates	5	.....	.....	.....	71 17 0	71 17 0	Off £6 12s. Do.	33 2 6
18	Ly Ah Yu and 1 mate	1	.....	.....	.....	24 8 6	24 8 6	Do.	12 4 3
20	Yung Ah Hung	1	.....	.....	.....	9 15 0	9 15 0	Do.	4 17 6
22	Lon Wan Chan and 1 mate	2	.....	.....	.....	17 8 0	17 8 0	Do.	8 14 0
25	Chew Wing Hou and 2 mates	3	.....	.....	.....	25 15 6	25 15 6	Do.	12 17 6
26	Lo Ah Che and 2 mates	3	.....	.....	.....	5 1 0	5 1 0	Do.	2 10 6
27	Chow San Kow and 4 mates	5	.....	.....	.....	37 8 0	37 8 0	Do.	18 14 0
28	Chow Sing Ting and 4 mates	5	.....	.....	.....	38 3 0	38 3 0	Do.	19 1 6
29	Lui Yim Air and 5 mates	6	.....	.....	.....	67 7 0	67 7 0	Off £16 11s. Do.	25 8 0
30	Kung Ah Lu and 2 mates	3	.....	.....	.....	27 6 6	27 6 6	Off £1 11s. Do.	12 17 6
31	Heng King and 2 mates	3	.....	.....	.....	36 2 0	36 2 0	Off £4 17s. Do.	15 12 6
32	Chow Ping and 6 mates	7	.....	.....	.....	40 17 0	40 17 0	Off £7 10s. Do.	16 13 6
33	Le Fook Lun and 2 mates	3	.....	.....	.....	33 12 6	33 12 6	Do.	16 16 3
34	Leung Hung and 7 mates	8	.....	.....	.....	60 5 6	60 5 6	Off £7 10s. Do.	26 7 9
35	Leung Yat Sun	1	.....	.....	.....	14 0 0	14 0 0	Off £2. Do.	6 0 0
36	Ng Ah Ky	1	.....	.....	.....	13 13 0	13 13 0	Do.	6 16 6
37	Ma Fook	1	.....	.....	50 17 0	14 12 0	65 9 0	Part of the goods allowed in full	62 5 6
38	Leung Ah Woo and 1 mate	2	.....	.....	.....	30 4 0	30 4 0	Off £1. Deduct one-half for wear, &c.	14 12 0
39	Leung Ah Chan and 4 mates	5	.....	.....	.....	53 6 0	53 6 0	Off £4 4s. Do.	24 11 0
40	Wong Chow and 1 mate	2	.....	.....	.....	23 10 0	23 10 0	Do.	11 15 0
41	Cheung Ah Chow and 1 mate	2	.....	.....	.....	20 9 0	20 9 0	Do.	10 4 6
42	Chow Ching and 5 mates	6	.....	.....	.....	44 13 6	44 13 6	Off £1 14s. Do.	21 9 9
43	Chow Kan Sum and 1 mate	2	.....	.....	.....	13 13 6	13 13 6	Do.	6 16 9
44	Leung Chik Chun and 1 mate	2	.....	.....	.....	22 0 0	22 0 0	Off 15s. Do.	10 12 6
45	Chin Ah Pu and 5 mates	6	.....	.....	.....	32 11 0	32 11 0	Off £3 3s. Do.	14 14 0
49	Yung Ah Chu	1	.....	.....	.....	6 5 0	6 5 0	Do.	3 2 6
52	Chan Ah Hung	1	.....	.....	.....	9 18 0	9 18 0	Do.	4 19 0
53½	Mok Wing Su and 3 mates	4	.....	.....	.....	34 0 0	34 0 0	Off £4 13s. Do.	14 13 6

54	Wong Hoy Hing, and 2 mates ..	3	..	..	..	29 11 6	29 11 6	Deduct one-half for wear, &c.	..	..	14 15 9
55	Wong Lung King, and 1 mate ..	2	..	..	..	18 2 6	18 2 6	Do.	..	..	9 1 3
59	Chow Ah Shak, and 5 mates ..	6	..	..	..	62 17 0	62 17 0	Off £14 10s.	Do.	..	24 3 6
60	Font Shak, and 5 mates ..	6	..	..	..	65 6 0	65 6 0	Off £7 15s.	Do.	..	28 15 6
61	Chin Chung Sam, and 5 mates ..	6	..	..	..	33 9 6	33 9 6	Do.	..	..	16 14 9
63	Chin Lung and 6 mates ..	7	..	..	..	27 4 0	27 4 0	Do.	..	..	13 12 0
70	Chung Cheen Kang and 1 mate ..	2	..	..	..	13 4 0	13 4 0	Do.	..	..	6 12 0
73	Luing Lip Chu and 5 mates ..	6	..	..	..	55 16 0	55 16 0	Off £12 16s.	Do.	..	21 10 0
75	Luing Yung and 5 mates ..	6	..	..	..	51 14 6	51 14 6	Off £7 10s.	Do.	..	22 2 3
76	Wong Le Sat ..	1	..	..	..	13 10 0	13 10 0	Allow £6 in full.	Do.	..	9 15 0
77	Chan Ping Hong and 2 mates ..	3	..	..	..	30 17 0	30 17 0	Do.	..	..	15 8 6
78	Han Ah Yan and 1 mate ..	2	..	..	..	24 3 0	24 3 0	Off £2.	Do.	..	11 1 6
79	Luing Chong Kau and 3 mates ..	4	..	..	..	34 12 6	34 12 6	Off £1 15s.	Do.	..	16 8 9
80	On Hung Chung and 3 mates ..	4	..	..	..	27 7 0	27 7 0	Off £4 10s.	Do.	..	11 8 6
81	Su Choy and 5 mates ..	6	..	..	..	42 10 0	42 10 0	Off £2 10s.	Do.	..	20 0 0
82	Leung Ley Wo and 3 mates ..	4	..	..	..	17 4 6	17 4 6	Do.	..	..	8 12 3
83	Wong Ga and 3 mates ..	4	..	..	..	25 0 6	25 0 6	Off £6.	Do.	..	9 10 3
84	Choy Hok Foo and 6 mates ..	7	..	..	..	45 4 0	45 4 0	Do.	..	..	22 12 0
85	Lee Yeen Chaw and 7 mates ..	8	..	..	..	44 5 0	44 5 0	Off £14.	Do.	..	15 2 6
86	Yung Ah Yee ..	1	..	..	..	12 3 6	12 3 6	Do.	..	..	6 1 9
89	Luing Me Koy and 1 mate ..	2	..	..	..	10 9 0	10 9 0	Off £2 8s.	Do.	..	4 0 6
92	Wong Hun He ..	1	..	..	..	28 16 0	28 16 0	Allow £18 10s.	Do.	..	23 13 0
93	Fong Sac Chu and 4 mates ..	5	..	..	..	32 5 0	32 5 0	Off £7 10s.	Do.	..	12 7 6
93 ⁴	Luing Yeen and 5 mates ..	7	..	..	..	76 3 6	76 3 6	Off £8 12s.	Do.	..	33 15 9
95	Wong Cho Yur and 3 mates ..	4	..	..	..	31 2 6	31 2 6	Off £6.	Do.	..	12 11 3
96	Le Kwong Yip ..	1	..	..	..	11 0 0	11 0 0	Do.	..	..	5 10 0
98	Luing Kim and 3 mates ..	4	..	..	..	40 5 0	40 5 0	Off £3 15s.	Do.	..	18 5 0
99	Luing Yu To and 5 mates ..	6	..	..	..	46 16 0	46 16 0	Off £4 10s.	Do.	..	21 3 0
100	Luing Sing ..	4	..	..	..	20 16 0	20 16 0	Off £2 10s.	Do.	..	9 3 0
104	Luing Ah Po ..	6	..	..	..	43 16 0	43 16 0	Off £6 6s.	Do.	..	18 15 0
105	Woon Kap Sen ..	3	..	..	..	23 10 6	23 10 6	Do.	..	..	11 15 3
106	Chin Ty Cheen ..	4	..	..	..	41 5 0	41 5 0	Do.	..	..	20 12 6
107	Woon Ah Kap ..	2	..	..	..	22 19 0	22 19 0	Do.	..	..	11 9 6
108	Lum Sam ..	3	..	..	..	16 8 0	16 8 0	Do.	..	..	8 4 0
109	Chan Chik Kun ..	4	..	..	..	31 6 6	31 6 6	Off £1.	Do.	..	15 3 3
113	Hon Kow ..	4	..	..	..	27 14 0	27 14 0	Do.	..	..	13 17 0
123	Chan Ah Lung ..	2	..	..	..	16 9 0	16 9 0	Do.	..	..	8 4 6
124	Tang Gee Hun ..	4	..	..	..	38 8 0	38 8 0	Do.	..	..	19 4 0
125	Luing Fong Sun ..	3	..	..	..	35 18 6	35 18 6	Off £7 5s.	Do.	..	14 6 9
130	Toy Chu Fook ..	1	..	..	..	12 6 6	12 6 6	Do.	..	..	6 3 3
131	Wong Hing ..	1	..	..	..	15 11 0	15 11 0	Off £3 18s.	Do.	..	5 16 6
132	Ng Ah Hing ..	2	..	..	..	15 0 0	15 0 0	Do.	..	..	7 10 0
133	Wong Chak You ..	4	..	..	..	19 2 0	19 2 0	Off £2.	Do.	..	8 11 0
134	Wong San Hee ..	1	..	..	..	14 7 0	14 7 0	Do.	..	..	7 3 6
136	Yin Shing ..	4	..	..	..	32 1 0	32 1 0	Off £3.	Do.	..	14 10 6
139	Chu Yui Sing ..	3	..	..	..	21 1 6	21 1 6	Do.	..	..	10 10 9
141	Le Heung ..	4	..	..	..	29 17 0	29 17 0	Off £7.	Do.	..	11 8 6
142	Kwei Sing ..	2	..	..	..	14 15 0	14 15 0	Do.	..	..	7 7 6
143	Chung Leang ..	2	..	..	..	27 12 0	27 12 0	Off £8 15s.	Do.	..	9 8 6
144	Wing Chun ..	2	..	..	..	14 19 0	14 19 0	Do.	..	..	7 9 6
147	Chin Ah Hung ..	2	..	..	..	15 1 0	15 1 0	Off £2.	Do.	..	6 10 6
148	So Ah Hung ..	2	..	..	..	12 0 0	12 0 0	Do.	..	..	6 0 0
149	Ng Ah Tu ..	4	..	..	..	30 17 6	30 17 6	Do.	..	..	15 8 9
151	Hong Ah To ..	2	..	..	..	21 10 0	21 10 0	Do.	..	..	10 15 0
154	Son La ..	2	..	..	..	19 17 0	19 17 0	Off £2.	Do.	..	8 18 6
155	Yung Shin ..	2	..	..	..	21 11 0	21 11 0	Do.	..	..	10 15 6
157	Wong Fu ..	2	..	..	..	14 11 6	14 11 6	Do.	..	..	7 5 9
159	Chin Ah Kang ..	2	..	..	..	22 18 0	22 18 0	Off £1.	Do.	..	10 19 0
161	Chin Ah Chung ..	1	..	..	..	10 19 0	10 19 0	Off £3 10s.	Do.	..	3 14 6
Carried forward ..		381	752 14 2	880 0 0	50 17 0	3,386 1 0	4,563 12 2				1,904 3 10

LIST OF APPROVED CLAIMS, &c.—Continued.

No. of Claim.	Names of Claimants.	No. of Men in Claim.	NATURE OF LOSSES.				Amount of Claims.	REMARKS.	Amount Approved
			Gold, Notes, &c.	Opium.	Other Stores.	Tents, Tools, Clothing, &c.			
			£ s. d.	£ s. d.	£ s. d.	£ s. d.		£ s. d.	
	Brought forward	381	762 14 2	380 0 0	50 17 0	3,386 1 0		1,904 3 10	
152	Luing Fan Luk	2				19 16 0	Off £1 18s. Deduct one-half for wear	8 19 0	
153	Chin Kok Ko	2				16 3 0	Do.	8 1 6	
154	Ng Chung	2				21 17 0	Off £2 9s. Do.	9 14 0	
155	Wong Fat	1				16 3 0	Do.	8 1 6	
156	John Habbuk	1		10 0 0	45 0 0	6 15 0	Allow £44 5s., and half clothing, £7 10s.=£3 15s.	48 0 0	
157	Lum Sum	2				35 11 0	Off £7. Allow one-half for wear, &c.	14 5 6	
158	Liu Ah Po	1				10 4 0	Off £3 4s. Do.	3 10 0	
159	Cheung Ah Fat	2				24 9 0	Off £2. Do.	11 4 6	
170	Wing Song Toang	3				28 17 0	Off £6 10s. Do.	11 3 6	
171	Chay Heo	3				20 2 0	Off £1 4s. Do.	9 9 0	
172	Leung Ah Yin	12				78 4 0	Do.	39 2 0	
174	Tang Chung	2				25 3 6	Allow £4 5s. Do.	14 14 3	
175	Chun Keng Leung	2				21 19 6	Do.	10 19 9	
176	Lui Ah Sum	2				51 9 0	Do.	25 14 6	
177	Lou Ah Huk	2				23 18 0	Do.	11 19 0	
178	Wong Ah Huk	2				32 2 6	Do.	16 1 3	
179	Tang Oun	2				15 19 6	Do.	7 19 9	
182	Chiu Ah Yeh	1				11 13 0	Do.	5 16 3	
184	Wing E. Ching	1				10 18 0	Do.	5 9 0	
187	Kov Ah See	1				13 15 0	Do.	6 17 6	
188	Mui Ah Yam	2				26 6 6	Do.	13 3 3	
189	Tang King Chi	1				23 13 0	Off £13 4s. Do.	5 4 6	
190	Ng Ah Keang	2				22 17 0	Do.	11 8 6	
193	Le Ah Sing	2				13 15 0	Do.	6 17 6	
194	Wing Hu Loon	2				13 0 0	Do.	6 10 0	
195	Wong Sen	4				21 6 0	Do.	10 13 0	
196	Chin Kung Ping	3				29 13 0	Do.	14 16 6	
197	Chin Ah Lean	4				34 5 0	Do.	17 2 6	
198	Chin Ning	3				26 0 0	Do.	13 0 0	
199	Ho Ah My	4				36 0 0	Off £5 10s. Do.	15 15 0	
200	Yeung Ah Sew	1				13 7 0	Off £3 10s. Do.	4 18 6	
201	Quan Ah Chong	1				13 4 0	Do.	6 12 0	
202	Lou Ah Qui	4				28 8 0	Do.	14 4 0	
203	Yip Chung	3				26 10 0	Do.	13 5 0	
204	Chin Ah Chuang	4				27 2 0	Do.	13 11 0	
205	Wong Lung	2				18 6 0	Do.	9 3 0	
206	Sung Ah Yung	2				16 18 0	Do.	8 9 0	
207	Wong Ah Hing	2				15 4 0	Do.	7 12 0	
208	Lou Ah Sun	3				17 8 6	Do.	8 14 3	
209	Ng Ah Chuk	2				23 2 0	Off £7 10s. Do.	7 16 0	
210	Ho Ah Gee	2				22 9 6	Off £4 1s. Do.	9 4 3	
212	Lou Ah Yu	4				22 9 0	Do.	11 4 6	
215	Man Yee	1				10 3 0	Off £3 5s. Do.	3 9 0	
217	Cho Chum Fui	1		35 0 0	169 0 0	18 10 0	See translated claim.	101 5 0	
220	Lee Ah Foo	5				31 6 6	Do.	15 13 3	
221	Hung Kang	2				22 15 0	Do.	11 7 6	
222	Chin Kwing Hung	1				13 3 0	Do.	6 11 6	
225	Le Ah Koo	3				27 0 0	Off £6 10s. Do.	10 5 0	
226	Lum Lung	2				9 13 0	Do.	4 16 6	
229	Wing Cho	2				22 11 6	Do.	11 5 9	
230	Kok Che Nam	2				18 0 0	Do.	9 0 0	
232	Wan Yee	2				14 12 0	Do.	7 6 0	
233	Chun Kwing	2				15 6 0	Do.	7 13 0	
234	Fong Chak Kuug	4				25 11 0	Do.	12 15 6	

AGGRESSIONS ON CHINESE.

236	Wong King Fook ..	4	.....	.....	.....	29 1 0	23 1 0	Allow one-half for wear, &c.	11 10 6
237	Sung Sam ..	3	.....	.....	.....	24 19 6	24 19 6	Do.	12 9 9
239	Chin Ah Sut ..	1	.....	.....	.....	12 14 0	12 14 0	Do.	6 7 0
241	Wing Sin ..	2	.....	.....	.....	15 13 6	15 13 6	Do.	7 16 9
242	Ma Sam ..	5	.....	.....	.....	16 15 6	16 15 6	Do.	8 7 9
244	Ng Ah Sing..	2	.....	.....	.....	25 3 6	25 3 6	Do.	12 11 9
245	Le Wan ..	2	.....	.....	.....	19 13 0	19 13 0	Do.	9 16 6
246	Wong Sow ..	2	.....	.....	.....	22 2 0	22 2 0	Do.	11 1 0
247	Fong Kee Chung	2	.....	.....	.....	24 13 0	24 13 0	Do.	12 6 6
252	Wong Sim Kok	5	.....	.....	.....	85 11 0	85 11 0	Off £15 18s.	34 16 6
253	Wong Win ..	5	.....	.....	.....	37 5 0	37 5 0	Do.	18 12 6
255	Fong Mang King	5	.....	.....	.....	22 7 0	22 7 0	Do.	11 3 6
257	Leon My Tuk	5	.....	.....	.....	40 13 0	40 13 0	Do.	20 6 6
262	Wing Tuk Chew	4	.....	.....	.....	42 16 0	42 16 0	Do.	21 8 0
266	Chin Ho ..	4	.....	.....	.....	46 10 6	46 10 6	Off £5 15s.	20 7 9
269	Chew Hung..	6	.....	.....	.....	38 14 0	38 14 0	Do.	19 7 0
271	Lok Yung Yeh	5	.....	.....	.....	34 18 0	34 18 0	Do.	17 9 0
274	Leung Wy ..	4	.....	.....	.....	66 16 6	66 16 6	Off £15 4s.	25 16 3
277	Low To Choui	6	.....	.....	.....	80 13 0	80 13 0	Off £21.	29 16 6
283	Ah Hung ..	6	.....	.....	.....	43 6 0	43 6 0	Do.	21 13 0
286	Low Kew ..	1	36 0 0	.....	.....	.....	.....	See translated claim.	36 0 0
288	Leong Bee ..	4	.....	.....	.....	36 15 6	36 15 6	Do.	18 7 9
290	Leing Ng ..	1	9 0 0	.....	.....	14 4 0	23 4 0	Off £9.	7 2 0
292	Kar Chun Wan	1	.....	.....	.....	10 13 0	10 13 0	Do.	5 6 6
293	Ma Ah Hing	1	.....	.....	.....	14 8 0	14 8 0	Do.	7 4 0
294	Sin Ng Fun	4	.....	.....	.....	19 10 0	19 10 0	Do.	9 15 0
295	Yun Yan Sing	4	.....	.....	.....	35 12 6	35 12 6	Do.	17 16 3
296	Wong Ah Wing	3	.....	.....	.....	26 12 0	26 12 0	Do.	13 6 0
297	Chew Yo Cheung	2	.....	.....	.....	17 11 0	17 11 0	Do.	8 15 6
304	Leong Ah Kew	1	182 10 0	.....	.....	9 2 0	141 12 0	Off £132 10s.	4 11 0
305	Lung Hin ..	1	.....	.....	.....	8 7 0	8 7 0	Do.	4 3 6
307	Wong My Kow	10	.....	.....	.....	84 10 0	84 10 0	Do.	42 5 0
308	Chin Quin Po	3	91 17 6	.....	.....	29 9 0	121 6 6	Off £91 17s. 6d.	14 14 6
309	Gun Hong Hong	2	183 15 0	.....	.....	35 0 0	218 15 0	Off £183 15s.	17 10 0
315	Li Long Fat	2	.....	.....	23 14 0	14 5 0	37 19 0	Admitted, £23 14s., and half of balance	30 16 6
318	Chuen A Fu..	5	.....	.....	.....	23 9 0	23 9 0	Do.	11 14 6
319	Wong Ah Long	5	.....	.....	.....	41 9 0	41 9 0	Do.	20 14 6
320	Leong Sing Hup	4	94 15 0	.....	.....	23 3 0	117 18 0	Off gold, &c., £94 15s. Allow one-half for wear	11 11 6
321	Wing Ah Sir	2	7 0 0	50 0 0	38 0 0	19 15 0	114 15 0	Allow £75 and half balance	104 17 6
322	Yung Ah Yun	4	.....	.....	.....	28 8 0	28 8 0	Do.	14 4 0
323	Chun Ti Nun	6	.....	.....	.....	80 19 6	80 19 6	Do.	40 9 9
326	Leung Hin ..	4	.....	.....	.....	27 4 0	27 4 0	Do.	13 12 0
338	Ah Sue ..	1	187 10 0	384 0 0	420 0 0	.....	991 10 0	See translation of claim.	300 0 0
341	Yung Tuk Sing	2	75 2 6	.....	.....	29 15 0	104 17 6	Off gold, £75 2s. 6d. Allow one-half for wear	14 17 6
343	Leong Cho ..	2	.....	44 0 0	289 2 0	41 12 0	374 14 0	See translation of claim.	200 0 0
346	Chin Yui Chun	4	30 12 6	.....	.....	38 14 0	69 6 6	Do.	49 19 6
347	Chung Hin Fat	2	63 15 0	.....	.....	28 19 6	92 14 6	Do.	33 4 9
349	He Pak Sung	7	.....	.....	.....	41 14 0	41 14 0	Do.	20 17 0
350	Chin Ma Hung	4	25 0 0	.....	.....	41 16 0	66 16 0	Off £25	20 18 0
356	Leo Pak Hing	4	40 0 0	.....	.....	41 18 0	81 18 0	Off £40	20 19 0
362	Leong Ah Sea	7	.....	.....	.....	66 18 0	66 18 0	Do.	33 9 0
363	Wong Ah Wy	8	.....	.....	.....	29 7 0	29 7 0	Do.	14 13 6
369	Wong Chan See	1	10 0 0	.....	50 0 0	22 3 0	82 3 0	See translated claim.	72 16 6
370	Wong Chuk Wa	5	.....	.....	.....	70 9 6	70 9 6	Do.	35 4 9
371	Chun Ah Tuk	4	.....	.....	.....	46 2 0	46 2 0	Do.	23 1 0
TOTALS		706	£1,739 11 8	£908 0 0	£1,075 13 0	£6,414 14 0	£10,132 18 8		£4,240 0 8

WILLIAM D. CAMPBELL,
Commissioner.

Sydney: Thomas Richards, Government Printer.—1862.

[Price, 5d.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CLAIM OF MR. JAMES ROBERTS.
(BURRANGONG RIOTS.)

Ordered by the Legislative Assembly to be Printed, 14 November, 1862.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 2 September, 1862, That there be laid upon the Table of this House,—

“Copies of all Correspondence with the Government and
“Mr. James Roberts, and any other persons, as well as any
“Reports made to the Government in reference to Mr.
“Roberts’ claim for Cost of Rations supplied to Chinese
“during the Burrangong Riots.”

(*Mr. Holroyd.*)

SCHEDULE.

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1. Telegram from Sub-Commissioner Clarke to the Secretary for Lands, reporting outbreak of Miners at Burrangong, and their treatment of Chinese, dated 1 July, 1861	2
2. Telegram from the Secretary for Lands to Sub-Commissioner Clarke, in answer to above. 1 July, 1861	2
3. James Roberts to Secretary for Lands, respecting Rations supplied by him to Chinese. 17 January, 1862	2
4. Sub-Commissioner Clarke to Chief Commissioner Cloete, respecting Rations supplied to certain Chinese by Mr. J. Roberts. 12 February, 1862	2
5. Chief Commissioner Cloete to Secretary for Lands, forwarding Report from Sub-Commissioner Clarke. 18 February, 1862	3
6. Under Secretary for Lands to Mr. Roberts, informing him that his claim had been referred to Sub-Commissioner Clarke for his Report. 19 February, 1862	3
7. Executive Council Minute, authorizing payment of Mr. Roberts’ claim. 24 February, 1862	3
8. Minute of Executive Council. 25 February, 1862	4
9. Under Secretary for Lands to Under Secretary for Finance and Trade, forwarding Mr. Roberts’ voucher, and requesting that the amount be placed to his credit in the Commercial Bank, Sydney. 20 March, 1862	4
10. Under Secretary for Lands to Mr. Roberts, advising him that the amount of his account was ordered to be paid to his credit in the Commercial Bank. 20 March, 1862	5
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CLAIM OF MR. JAMES ROBERTS.

No. 1.

TELEGRAM from G. O'MALLEY CLARKE to SECRETARY FOR LANDS.

Yass, 1 July, 1861.

A ROLL-UP took place yesterday at Burrangong; about 2,000 passed through Young, headed by a band and colours flying; they proceeded to where about 200 Chinese were located within the boundary that had been allowed to them, and forthwith drove the Chinese away, cropping their tails, burning all their tents and property, robbing them, and ill-using them. They then went on to Back Creek, where 600 Chinese were encamped, and treated them in like manner. Majority of Chinese left totally destitute. I felt justified in authorizing Mr. James Roberts (at whose station the unfortunate people have taken refuge) to provide them with the common necessaries of life. Am I right in doing so?

No. 2.

TELEGRAM from SECRETARY FOR LANDS to SUB-GOLD COMMISSIONER CLARKE.

Sydney, 1 July, 1861.

YOU are quite right in having given orders to provide for the Chinese temporarily. Captain Zouch has been instructed to give you necessary support forthwith.

No. 3.

MR. JAMES ROBERTS to SECRETARY FOR LANDS.

Currawang,
17 January, 1862.

SIR,

It is now eight months since, by your instructions,* I supplied a large number of Chinamen with rations, &c., for one month, for which a large amount of money is due to me.

The account has been duly rendered, and signed by the Commissioner, Mr. Clarke, but up to the present time I have received no money.

May I request the favour of your attention to the same, and you will oblige

Sir, &c.,
JAMES ROBERTS.

I have found it necessary to refer this matter for the report of Mr. Commissioner Clarke, at whose instance the expenditure was authorized.—P. L. CLOETE.

No. 4.

SUB-COMMISSIONER CLARKE to CHIEF COMMISSIONER CLOETE.

Gold Commissioners' Office,
Burrangong, 12 February, 1862.

SIR,

In reply to your letter of the 4th instant, enclosing a voucher signed by Mr. J. Roberts, for rations supplied by him to certain Chinese in the month of July last, and requesting information relative thereto, I do myself the honor to report, that on the 30th June last, in consequence of riots that had taken place in this Gold Field, I proceeded to Yass, to place myself in communication with the Government. On arriving at Mr. Roberts' station, I found a very large number of Chinese assembled there (who had just been driven off the Gold Fields by the Europeans), many of whom had been cruelly maltreated, and all of them left entirely destitute, as their camps had been sacked and destroyed. Several of them came to me, and, representing their pitiable condition, implored me to offer them some assistance. Under the circumstances I felt justified in requesting Mr. Roberts to supply the destitute Chinese with the necessaries of life, which he immediately promised to do.

2.

* Instructions alluded to (being a telegram from the Secretary for Lands to Mr. Sub-Gold Commissioner Clarke, dated 1st July, 1861,) see No. 2.

2. On my arrival at Yass I telegraphed to the Honorable the Secretary for Lands, informing him of the arrangement I had made with Mr. Roberts, and I received a reply, approving of the steps I had taken.

3. All the Chinese remained at Mr. Roberts' station until 15th July, as it was not deemed advisable to induce them to return on to the diggings until a strong reinforcement of police had arrived. On the night of the 15th the authorities retired from Burrangong, and in passing Roberts' station many of the Chinese located there followed the police to Binalong and Yass, but I am aware that a large number of them remained at the station.

4. I further do myself the honor to state that, although I do not believe that the rations charged for were supplied merely to Chinese who had been driven off and were actually destitute, still I do not doubt that the whole of the rations enumerated were supplied to those who had either been driven off, or who, fearing to meet with similar treatment, were compelled to retire from the Gold Field; and I can well understand how difficult it would have been for Mr. Roberts to have distinguished one from the other.

5. In conclusion, I beg to add that, in supplying these provisions, I am aware that Mr. Roberts put himself to very great trouble and inconvenience, and had it not been for his kind sympathy for these unfortunate people, the greatest distress and misery must have prevailed amongst them.

I have, &c.,
GEORGE O'MALLEY CLARKE,
Sub-Commissioner.

No. 5.

CHIEF COMMISSIONER CLOETE to SECRETARY FOR LANDS.

Gold Commissioners' Office,
Goulburn, 18 February, 1862.

SIR,

I do myself the honor to forward herewith a voucher from Mr. Roberts, for Two thousand five hundred and fifty-one pounds fifteen shillings and eight pence, for £2,551 15s. 8d. rations supplied to destitute Chinese, on the occasion of the Burrangongriots.

Delay has been occasioned in the forwarding of this account, as I considered at the time the sum claimed to be excessive, and consequently took every means in my power to ascertain its correctness.

A report on the subject, received by me from Mr. Sub-Commissioner Clarke, I beg to see No. 4. enclose.

I now would recommend that, under the circumstances, the sum claimed by Mr. Roberts should be paid to him.

I have, &c.,
P. L. CLOETE,
Chief Commissioner South-Western Gold Fields.

No. 6.

UNDER SECRETARY FOR LANDS to MR. JAMES ROBERTS.

Department of Lands,
Sydney, 19 February, 1862.

SIR,

In reference to your letter of the 17th ultimo, respecting the claim you make against the Government, for rations supplied to the Chinese some months since, I am directed to inform you, that it has been found necessary to refer the matter for the report of Mr. Sub-Commissioner Clarke, at whose instance the expenditure was authorized.

I have, &c.,
MICHL. FITZPATRICK.

No. 7.

EXECUTIVE COUNCIL MINUTE.

Department of Lands,
Sydney, 24 February, 1862.

On the occasion of the Burrangong Riots, in June last, a large number of the Chinese population there were driven off the gold field, and took refuge at the station of Mr. J. Roberts, at Currawang, near Yass, and under the representation made by Mr. Sub-Gold Commissioner Clarke, as to the state of utter destitution in which these people had been left, authority was given for supplying them with the necessaries of life at the expense of the Government, for such time as they were compelled to remain there.

A claim has now been sent in by Mr. Roberts, for the rations supplied by him, to the amount of £2,551 15s. 8d., as shown in the enclosed voucher; and although this sum is certainly much larger than I contemplated, still, as it has been examined into by the only officer likely to be able to deal with it, and found to be correct, I see no other course open to me, under the circumstances, than to recommend to His Excellency the Governor and Executive Council that payment of the amount be authorized, in anticipation of a vote of Parliament for the purpose.

JOHN ROBERTSON.

[Enclosure in No. 7.]

THE DEPARTMENT OF THE SECRETARY FOR LANDS,

Dr. to JAMES ROBERTS, CURRAWANG.

1861,—

For the undermentioned services performed for the Department, viz. :—

Supplying the undermentioned rations to 1,276 destitute Chinese, from 30th June to 16th July inclusively, viz. :—(20,416 daily rations.)*

	£	s.	d.
Flour, 43,750 lbs., at 5d.	211	9	0
Beef, 43,750 lbs., at 4½d.	820	6	3
Tea, 1,093¼ lbs., at 3s.	164	0	11
Sugar, 8,449¼ lbs., at 8d.	291	13	2

Supplying the undermentioned rations to 522 Chinese, from 16th to 30th July, inclusively, viz. :—(7,830 daily rations.)

Flour, 7,456 lbs., at 5d.	155	6	8
Beef, 7,456 lbs., at 4½d.	138	16	0
Tea, 186 lbs. 6 ozs., at 3s.	27	18	0
Sugar, 1,267¼ lbs., at 8d.	42	5	2

TOTAL £ 2,551 15 8

* Rations :—Beef, 2 lbs. 2 ozs.; flour, 2 lbs. 2 ozs.; tea, ½ of an oz.; sugar, 6¼ ozs.

I certify that the services charged in the above account were satisfactorily performed by the above-named individual, in accordance with existing arrangements, and in pursuance of authority obtained from His Excellency the Governor General.

RECEIVED on the day of 18 , from
the sum of pounds shillings and pence, sterling in full
payment of the above account.

JAMES ROBERTS.

Witness

I hereby authorize the amount of the above account to be paid, on my behalf, to Commercial Bank, Sydney.

No. 8.

MINUTE OF EXECUTIVE COUNCIL.

£2,551 15s. 8d. UNDER the circumstances herein set forth, the Executive Council advise that payment of the amount claimed, viz., £2,551 15s. 8d., be made to Mr. Roberts, in anticipation of a vote of the Legislature.

CHAS. COWPER, JNR.,
Clerk of the Council.

Minute 62-7, 25th February, 1862. Confirmed 4th March, 1862.

6th March, 1862.

Approved.—J. Y.

No. 9.

UNDER SECRETARY FOR LANDS to UNDER SECRETARY FOR FINANCE AND TRADE.

Department of Lands,
Sydney, 20 March, 1862.

SIR,

£2,551 15s. 8d. The Executive Council having authorized the payment to Mr. James Roberts (in anticipation of a vote of Parliament for the purpose), of the sum of Two thousand five hundred and fifty-one pounds fifteen shillings and eight pence, being the sum claimed by him for rations supplied on the authority of the Government to a number of Chinese who took shelter at his station on the occasion of the riots at Burrangong in June last, I am directed to request that you will move the Finance Minister to cause that sum to be placed to Mr. Roberts' account in the Commercial Bank, Sydney, as requested in the voucher forwarded by him to this office.

I have, &c.,

MICL. FITZPATRICK.

No. 10.

No. 10.

UNDER SECRETARY FOR LANDS to MR. ROBERTS.

*Department of Lands,
Sydney, 20 March, 1862.*

SIR,

With reference to the claim submitted by you, on account of rations supplied to £2,551 15s. 8d. a number of Chinese who took refuge at your station at Currawang on the occasion of the Burrangong Riots in June last, I am directed to inform you, that payment of the amount, viz., Two thousand five hundred and fifty-one pounds fifteen shillings and eight pence, has now been authorized by the Executive Council.

2. The Colonial Treasurer has therefore been requested to cause the amount to be placed to your credit in the Commercial Bank, Sydney, as desired by you.

I have, &c.,

MICL. FITZPATRICK.

No. 11.

AUDITOR GENERAL to UNDER SECRETARY FOR FINANCE AND TRADE.

*Audit Office, Sydney,
28 March, 1862.*

SIR,

Referring to the letter addressed to you by the Under Secretary for Lands on the 20th instant, No. 115, conveying authority for the payment of £2,551 15s. 8d. to Mr. James Roberts, of Currawang, for rations supplied to a number of Chinese who took shelter at his station on the occasion of the riot at Burrangong in June last, I have the honor to point out, for the information of the Honorable the Treasurer, that the quantities of provisions supplied to the 1,276 individuals between the 30th June and 15th July, greatly exceed those which compose the largest ration issued under the regulations; and that the account is not certified by anyone.

2. From a computation made, it appears that the ration issued consisted of—

2 lbs. 2 oz. flour,	} Daily.
2 lbs. 2 oz. beef,	
$\frac{1}{5}$ of an oz. tea,	
6 $\frac{1}{2}$ oz. sugar,	

or

14 lbs. 14 oz. flour,	} Weekly.
14 lbs. 14 oz. beef,	
6 oz. tea,	
2 lbs. 13 $\frac{1}{2}$ oz. sugar,	

Whilst the fullest ration issued under the regulations consists of—

10 $\frac{1}{2}$ lbs. flour,	} Weekly.
10 lbs. beef,	
2 lbs. sugar,	
4 oz. tea,	

3. The total quantities issued in excess were—

Flour	8,837 lbs.
Beef	10,854 "
Sugar	1,647 "
Tea	271 $\frac{1}{4}$ "

4. And the excess of cost to the public (if allowed) would be—

Flour	£184 2 1
Beef	203 10 3
Sugar	54 18 0
Tea	40 13 9

£483 4 1

4. May I request to be informed whether, under this report, the full amount of the account is to be placed in list for payment.

I have, &c.,

W. C. MAYNE, A.G.

P.S.—The supplies for the subsequent period, 16th to 30th July, being below the full quantity comprising the highest scale of ration, the excess above stated has been arrived at by taking into account the value of the short supply in the latter period.

W. C. M., A.G.

No. 12.

MINUTE OF SECRETARY FOR LANDS.

*Department of Lands,
Sydney, 11 April, 1862.*

As the Auditor General reports that the amount of rations issued by Mr. James Roberts to the Chinese in June last greatly exceeds the largest ration issued under the regulations, and, if allowed, that the excess of cost to the public would be £483 4s. 1d., it is recommended to His Excellency the Governor and the Executive Council that, instead of the sum (£2,551 15s. 8d.) already authorised by the Council to be paid to Mr. Roberts, that gentleman receive the sum of £2,068 11s. 7d. only, which latter amount, in accordance with the Auditor General's calculation, is all he appears to be entitled to.

JOHN ROBERTSON.

No. 13.

MINUTE OF EXECUTIVE COUNCIL.

For the reasons set forth in the accompanying Report from the Auditor General, and recommended by the Honorable the Secretary for Lands, the Executive Council advise that the amount previously authorized by them, viz., £2,551 15s. 8d., be reduced by the sum of £483 4s. 1d., and authority is now given for the payment of the reduced amount.

CHAS. COWPER, JUNR.,
Clerk of the Council.

Minute 62-12, 16th April, 1862. Confirmed, 25th April, 1862.

30th April, 1862.

Approved.—J. Y.

No. 14.

UNDER SECRETARY FOR LANDS to MR. J. ROBERTS.

*Department of Lands,
Sydney, 17 April, 1862.*

Sir,

With reference to my letter of the 20th ultimo, I am now directed to apprise you that, as the Auditor General has brought under notice that the amount of rations issued by you to the Chinese in June last greatly exceeds the largest ration issued under the regulations, and that the excess of cost to the public would, therefore, if allowed, be £483 4s. 1d., the Executive Council have, under these circumstances, advised the reduction by that amount of the sum originally authorized.

2. The Colonial Treasurer has accordingly been requested to cause payment to be made to you of the sum of £2,068 11s. 7d., instead of £2,551 15s. 8d., as intimated in my communication of the 20th ultimo.

I have, &c.,
MICHL. FITZPATRICK.

No. 15.

GEORGE C. ALLMAN, ESQ., to MINISTER FOR LANDS.

*Rossi-street, Yass,
30 April, 1862.*

Sir,

I have received instructions from Mr. James Roberts, of Currawang, to acknowledge the receipt of your letters of the 20th March last and 17th April instant, on the subject of his claim against the Government, for rations supplied to a number of Chinese who took refuge at his station at Currawang, on the occasion of the Burrangong Riots, in June last; and with respect to the proposed reduction of Mr. Roberts' claim by the sum of £483 4s. 1d., I am directed by my client to say that he cannot consent to such an arrangement.

Mr. Roberts is willing to accept payment of the sum of £2,068 11s. 7d., on account, and to let the remainder of the claim be settled by arbitration, or an action in the Supreme Court; and I have now the honor to request that the above sum of £2,068 11s. 7d. may be placed to my client's credit in the Commercial Banking Company of Sydney, upon this understanding.

I have, &c.,
GEO. C. ALLMAN.

No. 16.

No. 16.

UNDER SECRETARY FOR LANDS to G. ALLMAN, Esq.

*Department of Lands,
Sydney, 6 June, 1862.*

Sir,

In reference to your letter of the 30th April, respecting the reduction of Mr. Roberts' claim for rations supplied to the Chinese, and in which you represent, in behalf of that gentleman, that he is willing to accept the lesser sum, viz., £2,068 11s. 7d., on account, and let the remainder of the claim be settled by arbitration, or by an action in the Supreme Court, I am directed by the Secretary for Lands to state, that he certainly will not be a party to any course that will make the Government liable for the payment of money for which no just claim can be made, and that he must decline, therefore, both of your propositions.

2. Mr. Roberts has already been informed that the Colonial Treasurer was requested to have the amount authorized by the Government placed to his credit in the Commercial Bank.

I have, &c.,
S. B. WARBURTON,
For the Under Secretary.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

DUTY ON GOLD.

(PETITION OF JAMES ZULL.)

Received by the Legislative Assembly, 26 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of the Gold Miners and Residents of the Rocky River Gold Field,—

HUMBLY SHEWETH :—

That your Petitioners, having viewed the financial policy of the Government in reference to a proposed reduction of one shilling per ounce Duty on Gold as a breach of faith, after the repeated promises of the Ministry to abolish the duty, and the finances of the Colony now being in a prosperous state, the time has arrived for the total abolition of the Duty.

Your Petitioners, therefore, pray that your Honorable House will accept no compromise, but press upon the Government to redeem the pledge endeavoured to be evaded, and abolish the Gold Duty on the 31st day of December, 1862, in its entirety.

And your Petitioners, as in duty bound, will ever pray, &c.

(Signed on behalf of the Meeting.)

JAMES ZULL,
Chairman.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MR. EDWARD HAMMOND HARGRAVES.

(PETITION OF.)

Ordered by the Legislative Assembly to be Printed, 3 June, 1862.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.
The humble Memorial of Edward Hammond Hargraves, of Bungaree's Noragh,
Brisbane Water,—

SH EWETH :—

1. That in April, 1851, your Memorialist entered into negotiations with the Government of this Colony for the discovery of a Gold Field, in the course of which the then Colonial Secretary expressly promised that your Memorialist's remuneration for such discovery should depend entirely upon its nature and value when known, and that the Government would be disposed to give the subject its liberal consideration.

2. That at that period the new Colony of Victoria formed a portion or district of New South Wales, and, consequently, was legally and morally bound in its fair proportion by any agreement made between your Memorialist and the Government of this Colony.

3. That the Government of this Colony awarded and paid to Memorialist the sum of £9,500, as that portion of the reward for the Gold Discovery which was due from this Colony, and referred your Memorialist to the Victorian Government for the complete fulfilment of the stipulation referred to.

4. That, at the time when the £9,500 were voted to your Memorialist, the Rev. W. B. Clarke, of St. Leonards, also made a claim for reward on account of services rendered to the Colony in connection with the Gold Discovery, and there was awarded and paid to him by this Government the sum of £1,000.

5. That in 1853 your Memorialist received, from the Governor General of New South Wales, a letter of introduction to Mr. La Trobe, the then Lieutenant Governor of Victoria, strongly recommending to his consideration your Memorialist's claim to compensation from the Victorian Government, on the grounds hereinbefore stated.

6. That Mr. La Trobe acknowledged your Memorialist's claim upon his Government, and immediately recommended the case to the most favourable consideration of the Legislative Assembly of Victoria. A Select Committee of that Honorable House, to whom the matter was referred, recommended a grant to your Memorialist of £10,000, and, from the assurances of friends in Melbourne, your Memorialist fully anticipated that the Assembly by their vote would award him that sum, and visited Europe under that impression.

7. That on your Memorialist's return to New South Wales in 1855, he found that the £10,000 recommended by the Committee had been reduced to £5,000, by vote of the Assembly, which sum was to be divided into five or six parts, and this in consequence of applications which had been made by the Rev. W. B. Clarke, of St. Leonards, and others, who claimed to participate in the said grant. Out of this sum of £5,000 there was awarded and paid to your Memorialist the sum of £2,381 6s. 1d., and to Mr. Clarke the sum of £500, or thereabouts.

8. That with respect to the sum granted by the Government of this Colony, as its share of the reward promised for the Gold Discovery, your Memorialist has no reason to complain; but, as the total sum received by your Memorialist bore no proportion to what could be regarded as a reasonably adequate reward for the immense benefits reaped from the Gold Discovery by both Colonies, and as the Government of Victoria (during Memorialist's absence in England, and notwithstanding the recommendation of the Select Committee) so utterly failed in discharging their share of the obligation, that the sum granted by them was, on the whole, a loss to your Memorialist, inasmuch as the unexpected and unfavourable issue of the proceedings of the Assembly of that Colony with reference to the said grant entirely unbinged the whole of Memorialist's arrangements, your Memorialist respectfully submits that he has a right to apply for the full performance of the promise made to him, as before stated, to the Government by whom that promise was expressly made.

9. That the liberal spirit displayed by your Honorable House during last Session, in granting further compensation to the Rev. W. B. Clarke, for his services in connection with the Gold Discovery, induces your Memorialist to hope that your Honorable House will be equally disposed to grant a favourable consideration to his claim for a more adequate fulfilment of the obligations contracted by the Government of this Colony by virtue of the stipulations originally entered into with your Memorialist as before stated.

Your Memorialist therefore humbly prays that your Honorable House will take the premises into your consideration, and take such steps in the matter as to your Honorable House may seem just.

And your Memorialist will ever pray, &c.

E. H. HARGRAVES.

Dated this 29th day of May, 1862.

Sydney: Thomas Richards, Government Printer.—1862.

[Price, 1d.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MEROO GOLD FIELD.

(CONFLICTING INTERESTS OF TOWNSHIPS OF HARGRAVES AND WINDEYER.)

Received by the Legislative Assembly, 27 November, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly of New South Wales.

The Petition of the undersigned Storekeepers, Publicans, Miners, and others, inhabitants of the Town of Hargraves,—

SHEWETH:—

That your Petitioners have observed, through the public Press, that a Petition has been presented by the inhabitants of Windeyer, having for its object the establishment of Windeyer as the head quarters of the Meroo Gold Field, and the removal of the same from the township of Hargraves.

That your Petitioners pray that your Honorable House will, before assenting to the prayer of the said Petition, cause due inquiry to be made as to the most eligible place for the said head-quarters, and your Petitioners feel satisfied that your Honorable House will not acquiesce in the removal of the said head quarters, for the following (*inter alia*) reasons:—

That, on reference being made to the last Census, it will be found that Windeyer contained but 57 inhabitants, and Hargraves numbered 330.

That on the late sales under the Crown Lands Alienation Act of 1861, twice the quantity of land was purchased at Hargraves as at Windeyer.

That Hargraves abounds in valuable quartz reefs, some of which have been tested (by a steam crushing machine, erected at a great expense on the spot) and found to contain large quantities of gold.

That the quartz obtained from the Windeyer Reefs have also been tested by the Hargraves Steam Mill, and proved to be altogether valueless.

That a new and important Gold Field has just been discovered within four miles of the township; and with this and the reefs, Hargraves will within a short time contain (in and about it) several hundreds of inhabitants more than at present interested in the present local position of the said head quarters.

Your Petitioners, therefore, would feel grateful if your Honorable House would (after due inquiry) allow the head quarters of the Meroo Gold Field to remain as at present, which will promote a general benefit to this township and the surrounding districts.

And your Petitioners will, as in duty bound, ever pray, &c.

[Here follow 102 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON

MR. A. E. BUSH;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
2 September, 1862.

SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER, PHILLIP-STREET.

1862.

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1861.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF
THE LEGISLATIVE ASSEMBLY.

VOTES, No. 20. TUESDAY, 8 OCTOBER, 1861.

3. Mr. A. E. Bush :—Mr. Wilson moved, pursuant to *amended* notice,—
- (1.) That a Select Committee, with power to send for persons and papers, be appointed to consider and report upon the claims of Mr. A. E. Bush, for compensation for services performed on the Gold Fields of the Colony, in the year 1851.
- (2.) That such Committee consist of Mr. Cowper, Mr. Hay, Mr. Smart, Capt. Moriarty, Mr. Piddington, Mr. Dickson, Mr. Windeyer, Mr. Gray, Mr. Leary, and the Mover.
- Question put and passed.

VOTES, No. 23. FRIDAY, 11 OCTOBER, 1861.

6. Members of the Legislative Council as Witnesses :—
- (1.) Mr. Wilson moved, That the following Message be carried to the Legislative Council :—

MR. PRESIDENT,

The Legislative Assembly having appointed a Select Committee "to consider and report upon the claims of Mr. A. E. Bush," and that Committee being desirous to examine the Honorable Edward Deas Thomson, Esquire, C.B., and the Honorable Francis Lewis Shaw Merewether, Esquire, Members of the Legislative Council, in reference thereto, requests that the Legislative Council will give leave to its said Members to attend accordingly, on such day and days as shall be arranged between them and the said Committee.

Legislative Assembly Chamber,
Sydney, 11 October, 1861.

Speaker.

Question put and passed.

(2.)	*	*	*	*	*	*
*	*	*	*	*	*	*
*	*	*	*	*	*	*

11. Members of Legislative Council as Witnesses :—The Speaker reported the following Messages from the Legislative Council :—

(1.)	*	*	*	*	*	*
*	*	*	*	*	*	*
*	*	*	*	*	*	*

(2.) MR. SPEAKER,

In answer to the Message from the Legislative Assembly, dated the 11th instant, requesting leave for the Honorable Edward Deas Thomson, C.B., and the Honorable Francis Lewis Shaw Merewether, Members of the Legislative Council, to attend and be examined before a Select Committee of the Legislative Assembly, "to consider and report upon the claims of Mr. A. E. Bush," the Council acquaints the Assembly that leave has been granted to its said Members to attend and be examined by the said Committee, if they think fit.

Legislative Council Chamber,
Sydney, 11th October, 1861.

W. C. WENTWORTH,
President.

[Further Proceedings stopped by Prorogation, 20 January, 1862.]

1862.

VOTES, No. 9. TUESDAY, 10 JUNE, 1862.

10. Mr. A. E. Bush :—Mr. Wilson moved, pursuant to notice,—
- (1.) That a Select Committee, with power to send for persons and papers, be appointed to consider and report upon the Claims of Mr. A. E. Bush, for compensation for services performed on the Gold Fields of the Colony, in the year 1851.
 - (2.) That such Committee consist of Mr. Cowper, Mr. Hay, Mr. Smart, Captain Moriarty, Mr. Piddington, Mr. Dickson, Mr. Windeyer, Mr. Gray, Mr. Leary, and the Mover.
 - (3.) That the Minutes of Evidence, together with the Proceedings of the similar Committee of last Session, be laid upon the Table of this House, with a view to being referred to such Committee.
- Question put and passed.
- And the Clerk of Select Committees having presented the said Minutes of Evidence and Proceedings at the Bar of the House,—
- Mr. Wilson moved, That the said Minutes of Evidence and Proceedings be referred to the Select Committee now appointed.
- Question put and passed.

VOTES, No. 13. TUESDAY, 17 JUNE, 1862.

4. Member of Legislative Council as Witness :—Mr. Wilson moved, That the following Message be carried to the Legislative Council :—

MR. PRESIDENT,

The Legislative Assembly having appointed a Select Committee "to consider and report upon the Claims of Mr. A. E. Bush," and that Committee being desirous to examine the Honorable Edward Deas Thomson, Esquire, C.B., Member of the Legislative Council, in reference thereto, requests that the Legislative Council will give leave to its said Member to attend accordingly, on such day and days as shall be arranged between him and the said Committee.

*Legislative Assembly Chamber,
Sydney, 17 June, 1862.*

Speaker.

Question put and passed.

VOTES, No. 15. THURSDAY, 19 JUNE, 1862.

2. Member of the Legislative Council as Witness :—The Speaker reported that the following Message had been received (yesterday) from the Legislative Council :—

MR. SPEAKER,

In answer to the Message from the Legislative Assembly, dated the 17th instant, requesting leave for the Honorable E. Deas Thomson, C.B., a Member of the Legislative Council, to attend and be examined before a Select Committee of the Legislative Assembly appointed "to consider and report upon the claims of Mr. A. E. Bush," the Council acquaints the Assembly that leave has been granted to its said Member to attend and be examined by the said Committee, if he think fit.

*Legislative Council Chamber,
Sydney, 18 June, 1862.*

W. C. WENTWORTH,
President.

VOTES, No. 57. TUESDAY, 2 SEPTEMBER, 1862.

10. Mr. A. E. Bush :—Mr. Wilson brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee appointed, on the 10th June last, to consider and report upon the claims of Mr. A. E. Bush.
- Ordered to be printed.

1862.

MR. A. E. BUSH.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 10th June last, "to consider and report upon the claims of Mr. A. E. Bush, for compensation for services performed on the Gold Fields of the Colony in the year 1851,"—"with power to send for persons and papers," and to whom, at the same time, were referred "the Minutes of Evidence, together with the Proceedings of the similar Committee of last Session,"—have agreed to the following Report:—

Having examined the witnesses named in the margin, and also the documentary evidence laid before the Committee, it has been clearly established that valuable information was given to the Government in 1851, by Mr. Bush, at a time when the Government knew little about the working of a Gold Field.

Mr. Bush,
Mr. J. H. Williams,
Hon. E. Deas Thomson,
Mr. Vallack,
Mr. Fitzpatrick,
Mr. Duguid,
Mr. Palmer.

Mr. Bush in his evidence states that, in 1851, at the request of the Government, he proceeded to the Gold Fields, for the purpose of assisting Mr. Hardy in putting the regulations in force, alleging, that the Hon. E. Deas Thomson promised that he would make it worth his while to do so. He remained on the Gold Fields nine months, living with the Gold Commissioner, but paying his own expenses, which amounted to £182 7s. 9d.

Vide qq. 8, 9, 10.

This statement is, to a considerable extent, corroborated by the testimony of Mr. Williams, in 1851 American Consul; by that of Mr. Hardy, who says—"I have just seen Mr. A. E. Bush, to my very great delight. I believe he seems very intelligent, and very willing to impart what he knows;" and by Mr. Palmer, who saw Mr. Bush officiating as Commissioner on the Gold Fields.

Vide qq. 54, 63.

Vide qq. 149, 150.

Mr. E. Deas Thomson states that he has no recollection of having promised Mr. Bush any compensation whatever, but says—"Ten or twelve years have elapsed; it was a very busy time; all the business of the Government was then concentrated in the Colonial Secretary's Office. Such a circumstance might, therefore, by possibility, have escaped my memory, but I certainly have no recollection of it." But in answer to a question as to whether, if Mr. Bush had applied to Mr. E. Deas Thomson for pecuniary compensation for the services he had rendered to the Government, would he have given it a favourable consideration, Mr. E. Deas Thomson says—"It is probable; I think that I should."

Vide q. 95.

Vide q. 100.

Mr.

Vide qq. 70 & 75.

Mr. Bush, in his evidence, further states, that as an American citizen he was incompetent to fill a Government office in this Colony; and not intending to remain, did not wish to take out Letters of Naturalization,—and that from exposure on the Gold Fields he was attacked with rheumatic fever, and was, in consequence, “incapacitated from doing anything for two years.”

Vide q. 21.

Mr. Bush also states that he forfeited his passage money to California, for the only reason that he might oblige the Government by going to the Gold Fields and assist the Commissioners in carrying out the regulations, towards the framing of which he had given “valuable information.”

Looking at this case in all its bearings, your Committee would recommend Mr. Bush to the favourable consideration of the Government.

J. BOWIE WILSON,
Chairman.

*Legislative Assembly Chambers,
Sydney, 2 September, 1862.*

PROCEEDINGS OF THE COMMITTEE.

1861.

FRIDAY, 11 OCTOBER, 1861.

MEMBERS PRESENT:—

Mr. Gray, | Mr. Smart,
 Mr. Wilson.

Mr. Wilson called to the Chair.

Order of the House appointing the inquiry into the claims of Mr. Bush, on the table.

Committee deliberated.

Ordered,—

- (1.) That Mr. A. E. Bush be summoned to give evidence at the next sitting.
- (2.) That a motion be made in the House for a Message to the Legislative Council, requesting leave for the attendance of Mr. E. Deas Thomson, C.B., and Mr. Merewether.

[Adjourned to Wednesday, 23rd instant, at *Eleven* o'clock.]

WEDNESDAY, 23 OCTOBER, 1861.

MEMBERS PRESENT:—

Mr. Wilson in the Chair.

Mr. Dickson, | Mr. Leary.

Mr. A. E. Bush called in and examined.

Mr. J. H. Williams and Mr. E. H. Hargraves to be examined.

The Honorable E. Deas Thomson, Esq., C.B., M.L.C., to be requested to attend and give evidence.

[Adjourned to To-morrow, 24th instant, at *half-past Eleven* o'clock.]

THURSDAY, 24 OCTOBER, 1861.

MEMBERS PRESENT:—

Mr. Wilson in the Chair.

Mr. Dickson, | Captain Moriarty,
Mr. Leary, | Mr. Smart.

Mr. James Hartwell Williams called in and examined.

Mr. A. E. Bush present.

[Adjourned to Tuesday, 29th instant, at *Eleven* o'clock.]

TUESDAY, 29 OCTOBER, 1861.

MEMBERS PRESENT:—

Mr. Wilson in the Chair.

Mr. Gray, | Captain Moriarty,
 Mr. Smart.

The Chairman laid before Committee a letter excusing the attendance of the Honorable E. Deas Thomson during the present week,—

And stated, that, in the absence from town of Mr. Hargraves, no summons had been forwarded to that gentleman.

Committee deliberated on the expediency of an adjournment until the attendance of the above gentlemen could be procured.

[Adjourned.]

[Further Proceedings stopped by Prorogation, 20 January, 1862.]

1862.

1862.

FRIDAY, 13 JUNE, 1862.

MEMBERS PRESENT:—

Mr. Wilson,	|	Mr. Piddington,
		Captain Moriarty.

Mr. Wilson called to the Chair.

Committee deliberated.

Ordered,—That a motion be made in the House for a Message to the Legislative Council, requesting leave for the attendance of Mr. E. Deas Thomson, C.B.

[Adjourned.]

THURSDAY, 10 JULY, 1862.

MEMBERS PRESENT:—

Mr. Wilson in the Chair.

Mr. Piddington,	|	Captain Moriarty,
		Mr. Leary.

Committee met pursuant to summons.

Copies of printed Evidence of last Session on the table.

Motion made (*Mr. Piddington*) and *Question*,—That the Proceedings of last Session be now adopted by this Committee—*agreed to*.

Mr. A. E. Bush called in, and at the request of the Chairman, evidence given by witness last Session, read at length by the Clerk.

Witness further examined.

[Adjourned to Thursday next, at *Eleven o'clock*.]

THURSDAY, 17 JULY, 1862.

By direction of the Chairman, the meeting of the Committee, called for this day,

[Postponed to To-morrow, at *Eleven o'clock*.]

FRIDAY, 18 JULY, 1862.

MEMBERS PRESENT:—

Mr. Wilson in the Chair.

Captain Moriarty,	|	Mr. Leary,
		Mr. Piddington.

The Honorable E. Deas Thomson, C.B., M.L.C., attending by permission of the Legislative Council, examined.

[Adjourned to Friday next, at *Eleven o'clock*.]

FRIDAY, 25 JULY, 1862.

MEMBERS PRESENT:—

Mr. Wilson in the Chair.

Mr. Leary,		Mr. Piddington.
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Mr. J. H. Williams and Mr. W. Vallack examined.

Mr. M. Fitzpatrick, *Under Secretary for Lands*, to be summoned to attend at the next meeting, and to produce a copy of any letter or despatch to Mr. Hardy, or any other Gold Commissioner, in which Mr. Bush's name is mentioned.

[Adjourned to Tuesday next, at *Eleven o'clock*.]

TUESDAY, 29 JULY, 1862.

MEMBERS PRESENT:—

Mr. Wilson in the Chair.

Mr. Cowper,	|	Mr. Dickson,
Mr. Leary,		Mr. Piddington,
		Captain Moriarty.

Mr. J. H. Palmer, *Short-hand Writer to the Legislative Assembly*, Mr. M. Fitzpatrick, *Under Secretary for Lands*, and Mr. J. Duguid, examined.

[Adjourned to Thursday, 14th August, at *Eleven o'clock*.]

THURSDAY,

THURSDAY, 14 AUGUST, 1862.

By direction of the Chairman, the meeting of the Committee convened for *this day*,
[Postponed to Wednesday next, at *Eleven o'clock*.]

WEDNESDAY, 20 AUGUST, 1862.

MEMBERS PRESENT:—

Mr. Wilson in the Chair.

Captain Moriarty, | . Mr. Windeyer.

The Chairman submitted to the Committee a Draft Report,—printed copies of Evidence having been *circulated* during the interval of adjournment.

Draft Report read 1^o.

Committee deliberated.

Motion made (*Captain Moriarty*) and *Question*,—That the Draft Report just read, be printed and *circulated* prior to next meeting—*agreed to*.

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

[Adjourned.]

THURSDAY, 28 AUGUST, 1862.

By direction of the Chairman, the meeting of the Committee convened for this day,
[Postponed to Tuesday next, at *Eleven o'clock*.]

TUESDAY, 2 SEPTEMBER, 1862.

MEMBERS PRESENT:—

Mr. Wilson in the Chair.

Mr. Dickson, | Mr. Leary,
Mr. Smart, | Mr. Piddington,

Captain Moriarty.

Printed copies of Draft Report *circulated* during the interval of adjournment.

Draft Report read 2^o, paragraph by paragraph.

Paragraph 1 read, considered, and postponed.

Paragraph 2 read, viz:—

2. In 1851, Mr. Bush proceeded to the Gold Fields, as he states, at the request of the Government, for the purpose of assisting Mr. Hardy in putting the regulations in force—Mr. E. Deas Thomson promising that he would make it worth his while to do so. He remained on the Gold Fields nine months, living with the Gold Commissioner, but paying his own expenses, which amounted to £182 7s. 9d.

Motion made (*Mr. Leary*) and *Question*,—That all the words in the first sentence be omitted, with the view to insert in their place the following words:—“Mr. Bush in his evidence states that, in 1851, at the request of the Government, he proceeded to the Gold Fields, for the purpose of assisting Mr. Hardy in putting the regulations in force, alleging that the Honorable E. Deas Thomson promised that he would make it worth his while to do so.”

Question,—That the words proposed to be omitted stand part of the proposed Report—*negatived*.

Question then,—That the words proposed to be inserted in place of the words omitted be there inserted—*agreed to*.

Paragraph, as amended, agreed to.

Paragraph 3 read, and verbally amended.

Motion made (*Captain Moriarty*) and *Question*,—That the paragraph be further amended by the omission of the following words at the end thereof—“and also by Mr. Duguid, who states that Mr. Bush was induced to remain in the Colony by some ‘encouragement he got to go up the country with Mr. Hardy.’”

Question,—That the words proposed to be omitted stand part of the proposed Report—*negatived*.

Words omitted accordingly.

Paragraph, as amended, agreed to.

Paragraph 4 read, amended (on motion of Mr. Leary), and agreed to.

Paragraph 5 read, amended (on motion of Mr. Leary), and agreed to.

Paragraph 6 read and agreed to.

Paragraph 7 read, amended (on motion of Captain Moriarty), and agreed to.

Postponed paragraph 1 again read, amended, and agreed to.

Motion made (*Captain Moriarty*) and *Question*,—That the Report, as amended, be the Report of this Committee—*agreed to*.

Chairman requested to report.

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1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

CLAIMS OF MR. A. E. BUSH.

1861.

WEDNESDAY, 23 OCTOBER, 1861.

Present:—

Mr. DICKSON, | Mr. LEARY,
Mr. WILSON.

JOHN BOWIE WILSON, Esq., IN THE CHAIR.

Mr. Alfred Elliott Bush called in and examined:—

1. *By the Chairman:* You reside in Braidwood? I do.
2. Are you an American? I am.
3. Have you been employed by the Government at any time in connection with the gold fields? I have.
4. Will you be kind enough to state the circumstances to the Committee, how you came to be employed, and for what purpose? I came here from California in 1851, in the ship "Alexander," and became acquainted while here with Mr. Williams, the American Consul at that time. The gold fields broke out while I was here, and Mr. Deas Thomson asked Mr. Williams if he knew of any person who had been in California and understood the working of a gold field practically, and who knew anything about the rules which governed the miners. Mr. Williams knew that I had been there, and sent on board the ship for me, and told me Mr. Thomson wanted to see me. I had with me a copy of the gold regulations in California, where I had been an Alcalde.
5. You mean a Magistrate? Yes, something like a Police Magistrate here. I had these rules, which had been framed by the miners. I showed them to Mr. Thomson, and I had to explain to him why these rules and regulations were necessary, as he had never seen a gold field and knew nothing about it. Mr. Thomson took a memorandum of all this, which memorandum I saw the other day at one of the offices.
6. Did you assist Mr. Deas Thomson in framing any rules and regulations for the government of the gold fields? The regulations were framed almost exactly as I gave them to him, with very little variation indeed.
7. How long were you occupied in that? I cannot remember—several days—but I cannot say exactly how long.
8. After these rules and regulations were framed, were you employed by the Government in any other capacity? Yes. I had taken my passage in the ship "Edgar," to return to California, when Mr. Deas Thomson asked me if I would give it up and go up the country for the Government, and assist Mr. Hardy in putting the regulations in force, and he said he would make it worth my while to do so. We had no distinct agreement, but he, seeing how necessary it was that these regulations should be well understood, said that it would be of so much advantage to Mr. Hardy to have some one with him who had seen the working of them before.

Mr. Alfred
Elliott Bush.

23 Oct., 1861.

- Mr. Alfred Elliott Bush.
 23 Oct., 1861.
9. And you went accordingly? Yes.
 10. How long did you remain at the gold fields? Nine months.
 11. Were your expenses paid by the Government? No, I paid them myself.
 12. Have you any idea what your expenses amounted to? £182 7s. 9d.
 13. Have you ever made any application to the Government for compensation? I made application in 1852; I was then ill and continued so for two years, and Mr. Deas Thomson afterwards went Home.
 14. What answer did you get? He said he would do anything for me he could, but I had just come down the country and was ill at the time, and did not press my claim as I might have done; I did not know exactly what I wanted at the time myself; I wanted to be paid, but did not know how to ask for it then; I thought he should have been the person to have done it without asking, and I felt somewhat annoyed at his passing me over as he did. I did not apply again until he returned from England, and then I applied to him to use his influence on my behalf.
 15. He was no longer in the Government? No. He wrote back to me to say he would do so at once, and he did so, I believe—so I heard, that he took some steps in the matter. He sent me up forms for me to be naturalized, preparatory to receiving an appointment under Government.
 16. You were in hopes that the Government intended recompensing you, by giving you some Government appointment or money? I asked them for both.
 17. Have you any correspondence that has taken place between you and Mr. Thomson? Two letters only that I can find.
 18. Have you them in your possession now? They are not here; they are on board the steamer.
 19. But you will produce them? I will produce them.
 20. I think you said you were occupied in the way you have stated for nine months? Yes.
 21. Was it your intention, on originally coming to this Colony, to remain and settle here? No, and I had my passage taken to return to California, and forfeited my passage money in consequence of Mr. Thomson's request.
 22. What did that amount to? £25.
 23. You were induced to do so on the representations of Mr. Deas Thomson? Yes.
 24. Are you aware of any correspondence or documents that would be likely to throw any light on the subject to the Committee? I know the memoranda I furnished; the papers with all the explanations, are in existence; I saw them the other day in the Executive Council Office, as well as some letters from Mr. Hardy acknowledging my being there according to Mr. Thomson's instructions. I am aware also that in some of Mr. Hardy's despatches he mentioned my name favourably; he showed me those despatches himself.
 25. Do you know where that correspondence is to be found now? I know where they were before 1857, but since that time I do not know.
 26. They were in the hands of the Government then? They were, but I believe they are not to be found now; at least we could not find them the other day, when I was there.
 27. Are you aware of any gentleman in the neighbourhood of Sydney now, who would be likely to give any information to the Committee on the matter? Mr. J. H. Williams, who was then American Consul, can prove that some of the documents which are missing were then in their hands.
 28. Are there any other gentlemen you would like to have examined? Mr. Hargraves, Mr. Deas Thomson, and Mr. Merewether, the late Clerk of the Executive Council. Mr. Essington King, who was afterwards a Gold Commissioner, was at the Camp, at Summer Hill, when I arrived there, and he has some knowledge of the circumstances. He is in Melbourne now, and I have written to him, but have not yet received a reply; there has hardly been time.
 29. *By Mr. Leary:* What kind of employment had you during the nine months you were on the gold fields? I acted as a Commissioner—I assisted in settling disputes, and rode about with Mr. Hardy, showing him how to measure off claims, and so on.
 30. Did you settle disputes alone? Sometimes, but rarely alone. I have done such a thing, and have been sent by Mr. Hardy to do it; but the principal object Mr. Thomson explained to me that he had in view in sending me was, to explain to Mr. Hardy how the claims were marked off, and why it was necessary there should be certain regulations with which I had furnished the Government.
 31. Still you did mark off claims and settle disputes? Yes, I was present assisting.
 32. Have you ever sent in a voucher for payment as Commissioner? I was under the impression all the time that I was to be paid for my services, like any other person who was hired. I did not stipulate for any amount, but I thought they would pay me in accordance with the importance of the services I was rendering.
 33. Did you correspond with the Government in any way, during these nine months? Yes, I wrote several times to Mr. Deas Thomson, and he was there on the diggings while I was there.
 34. To what effect did you write? Simply giving him an account of the gold fields—not asking for payment then; I did not do so until I came down.
 35. Were you all the nine months at the Camp? Yes, with the Commissioner.
 36. Never acting for yourself? Yes; the Commissioner's brother was there digging with a party of men, and I was associated with him in the undertaking, but having nothing to do with it, except to be one of the party, and to show them what tools to use. I might sometimes be with them for a day, but rarely. I lived at the barracks nine months, and was in the same tent with Mr. Hardy. I also acted as Gold Receiver; I had no appointment to that effect, but I used to receive gold and give receipts for it; I acted exactly as the other Commissioners did, except that I had no commission.

37. And when you came down from these gold fields, you state that you informed Mr. Thomson, and requested payment? I did, and he said he would attend to the matter. Mr. Alfred Elliott Bush.
38. Did you send in any specific claim? No, I told him the amount I had expended. I was a foreigner, and I did not like to interfere in the matter very much; I felt some delicacy about it; I thought he would understand well enough what I should receive. 23 Oct., 1861.
39. *By Mr. Dickson*: During the time you were at the gold fields, did you receive any benefit from your connection with Mr. Hardy? On the contrary, I lost nearly £2,000.
40. That was a speculation? Yes.
41. Apart altogether from your expectations from the Government? Yes, apart altogether from that.
42. Was there no written communication between you and Mr. Thomson before you went up? No further than this, that he gave me a letter to Mr. Hardy, saying I had assisted him in drawing up the regulations, and that I seemed to understand what was necessary on the gold fields, and saying that I had agreed to remain and assist Mr. Hardy to put the regulations in force, and that I was under his charge.
43. You must have been rather extensively engaged in gold digging, as you lost £2,000? It was not all lost in gold digging; I never knew exactly how it was lost.
44. Was it in connection with this partnership? It was. I was obliged almost constantly to travel with Mr. John Hardy, and therefore I was very little at the Turon, where the party under Mr. William Hardy was digging.
45. I should have imagined that, with so much capital invested, you would have had a deep interest in the mining operations? There were three parties digging, but they never got any gold.
46. At the expiration of nine months did you leave the gold fields? Yes, to see Mr. Thomson.
47. It was during the nine months that you lost £2,000? It was—not quite £2,000, perhaps £1,600 or £1,700.
48. *By the Chairman*: When you went to Summer Hill, did you go for the purpose of mining? No.
49. You had no intention to do so then? No; Mr. John Hardy, the Commissioner, was the first to induce me to go into mining; he thought, with my experience, I should be able to do well by taking his brother as active partner while I assisted him. That was the object.
50. *By Mr. Leary*: For what reason did you stay nine months on the gold fields;—could you not have given all the information with regard to the regulations in a few weeks? If they had dismissed me then I could, but there were different diggings; we went to seven or eight different places, and that took several months. At each separate diggings there was always something different, and Mr. Hardy was very anxious I should go to all of them, and therefore they kept me employed; they could have got on without me after three months, but still they did not dismiss me. I was at Summer Hill, the Turon, the Abercrombie, Mitchell's Creek, the Pyramid, and other places.
51. *By Mr. Dickson*: Were you paying your own expenses? Yes, all this time.
52. But living free at the Commissioner's? No, we had a mess, of which I paid my proportion. I paid whether I was at the barracks or not, the same as all the rest.
53. *By Mr. Leary*: Was Mr. Hargraves at the Camp during the time you were there? Yes, I had a letter to Mr. Hargraves as well as to Mr. Hardy; he knew what I was there for.

THURSDAY, 24 OCTOBER, 1861.

Present:—

CAPTAIN MORIARTY,
MR. SMART,

MR. DICKSON,
MR. LEARY.

JOHN BOWIE WILSON, Esq., IN THE CHAIR.

James Hartwell Williams, Esq., called in and examined:—

54. *By the Chairman*: You have been summoned here, Mr. Williams, to give to the Committee any information you can afford with regard to the claims of Mr. Bush for services rendered to the Government in the year 1851. Are you acquainted with Mr. Bush? Oh yes, and have been ever since his arrival in this Colony from California; but as to any claims he may have upon the Government I cannot speak. I have, however, reason to suppose that he rendered them some services about the time of the discovery of gold here. About that time Mr. Deas Thomson frequently conversed with me upon the subject, and I believe that he brought down to my office some of the very first samples obtained, to show me. Mr. Bush arrived from California about that time, bringing letters of introduction to me. Finding Mr. Bush to be well acquainted with the Gold Fields Regulations of that country, and Mr. Thomson having said he should be glad to see him, I took Mr. Bush up to Mr. Thomson's office and introduced him. What then took place between them I know nothing about; still I have every reason to believe that he was in the service of the Government; he told me he had been employed to go up to the gold fields, and this was confirmed by Mr. Thomson telling me that he was engaged to go up to the gold fields, and there, so far as my knowledge of the affair is concerned, the thing rests, until recently, when he came down from the country. For some years I had not heard from him, and did not know whether he was in the country or even alive; but on arriving from the country he called upon me, and in our intercourse
- James H. Williams, Esq.
24 Oct., 1861.
- he

James H. Williams, Esq. he said he had not been successful in his business operations, and that this would be a good time to make a claim upon the Government for some Government situation. I then took him to Mr. Cowper, to whom I told what I knew of Mr. Bush's previous history in connection with the Colony, and that he had performed some services to the Government upon the gold fields, for which he considered he was entitled to compensation. Mr. Cowper suggested that if he had such claims he should get a note from Mr. Thomson to that effect. Having shortly after casually met Mr. Thomson, I told him that Mr. Bush was in town, and what his wishes were, and also what Mr. Cowper had said. I asked him if he would be willing to give such a note as Mr. Cowper required; Mr. Thomson said he would have no influence with the Government, but that he would give Mr. Bush a note, stating that he had rendered valuable service to the Government, and that if Mr. Bush had asked for a situation under his administration he should have felt bound to give it to him, or words to that effect. Mr. Thomson gave such a note, which I saw. I cannot say positively that I was with Mr. Bush when he gave this note to Mr. Cowper, but I think I was. However, I saw in Mr. Bush's possession a note to that effect. I was also present when Mr. Cowper said he would bear his claims in mind when anything that would suit him was open.

24 Oct., 1861.

55. Are you aware whether Mr. Bush was induced to remain in the Colony, when he came originally, by the advances made to him by the Government? I am not.

56. *By Mr. Smart*: What were the contents of the note given by Mr. Thomson to Mr. Bush? It stated that he had rendered important services to the Government, and that if he had sought compensation under his administration he should have given it to him. I cannot give the precise words, being about four years ago, but that is the effect of it.

57. *By the Chairman*: Have you seen any other correspondence with the Government upon this matter, with the exception of that note? No, I have not.

58. *By Mr. Dickson*: Do you know anything about Mr. Bush's operations upon the gold fields? No, I do not; I lost sight of him for many years.

59. From the time he went up to the gold fields? Yes, until he came down.

60. *By Captain Moriarty*: Have you any knowledge of the length of time he was employed? No; but there is no question in my mind that he rendered important services.

61. *By Mr. Leary*: Did you receive any information from Mr. Thomson to lead you to believe that he was engaged for any particular kind of work? No. So far as I recollect the conversation, he said that, at his request, Mr. Bush had gone up to assist Mr. Hardy in introducing regulations on the gold fields.

62. Had he any specific time to stop? I did not hear.

63. *By Mr. Smart*: What was the nature of the important services rendered by Mr. Bush to the Government that, you say, came within your own knowledge? I did not state that they came within my own knowledge; I say, in my mind I have no doubt he rendered important services, that is, in introducing the regulations of the Californian Gold Fields, which were almost literally adopted.

1862.

THURSDAY, 10 JULY, 1862.

Present:—

MR. LEARY, | CAPTAIN MORIARTY,
MR. PIDDINGTON.

JOHN BOWIE WILSON, ESQ., IN THE CHAIR.

Mr. Alfred Elliott Bush called in, and, the evidence given by him before the Select Committee appointed last Session having been read, examined:—

Mr. Alfred Elliott Bush. 64. *By the Chairman*: You have heard the evidence, given by you last Session, read, and you perceive that in No. 19, reference is made to two letters—have you produced those letters? I have not yet.

10 July, 1862. 65. Have you them in your possession? I have.

66. Can you produce them? Not to-day; I left them behind me, with Mr. Essington King's letter, at Nerriga, when I came down, and I have telegraphed to have them sent to me; they will not be here before Monday.

67. Is there any evidence you would like to give to the Committee, further than you have already given? There are two or three things I should like to add. There is one memorandum I have made with reference to question 8.

68. With regard to the rules and regulations that were framed by the Government with your assistance? Yes. At the time Mr. Deas Thomson asked me to remain in the Colony, and to go up the country, I had taken my passage in the ship "Edgar," and I went down to Mr. Williams, to consult with him before consenting to do so. Mr. Williams advised me to remain in the country, saying that Mr. Deas Thomson was of as much influence here as the Secretary of State in the United States was in that country, giving me the idea that he had much influence, and would assist me in many ways, and he placed the advantages before me

me as well as he could to induce me to remain here. Afterwards I agreed to remain for the time necessary to explain to Mr. Hardy the use of these regulations.

Mr. Alfred Elliott Bush.
10 July, 1862.

69. Having still an intention of returning to the United States? Of returning to the United States when I had performed the duties I agreed to undertake.

70. What prevented you from returning? I stayed with Mr. Hardy nine months, and then was taken ill. I was with him at the Abercrombie when the diggings broke out there, and we were in a severe storm for about a week, and both Mr. Hardy and myself were taken ill. When I got back to Bathurst, I was taken bad with rheumatic fever, and had a physician up from Sydney to attend me. I was ill in Bathurst about two months.

71. Did you recover your health in Sydney? No, I was ill in Sydney about eight or nine months, and the doctor then told me I had better go to New England.

72. You went to New England with the advice of your medical adviser? Yes.

73. How long were you there? Nearly a year before I did anything at all.

74. You were prevented from doing anything on account of the state of your health? Yes.

75. So that it would appear you were over two years incapacitated from doing anything, on account of illness brought on by exposure while you were in the service of this Government? That is true. During the time I was with Mr. Hardy, I was asked by him if I would become naturalized, and he said the Government would give me employment if I would; but having the intention of returning to America, I refused to become naturalized, as if I had done so, and had afterwards returned to the States, I should have been obliged to reside there seven years before I could have been again admitted as a citizen. I therefore went on under the arrangement already made with Mr. Thomson.

76. You have since become naturalized? I have. In 1857, after I had been ill a long time, and consequently had lost all my money, I applied to Mr. Thomson to assist me in getting an appointment. He said he would do so, and the Government, at his request, afterwards sent me up forms to be filled up and sworn to, in order that I might become a naturalized subject, saying that when these were completed I should have an appointment. I filled them up and took the necessary oath, and wrote back to say I was ready then to receive an appointment—which appointment I never got; thus doing me a positive injury, because, had it not been that they had promised me an appointment, I should have never taken the oath of allegiance, and thereby donaturalized myself.

77. You were induced to become naturalized only in consequence of having lost all your funds, in a measure owing to your connection with the Government in this Colony? Yes.

78. You have expressed a wish that Mr. Ingraves may be examined? I have written to him to be here on Tuesday, or if not, to write what he knows of the matter.

79. *By Captain Moriarty*: Have you the letter, to which you have alluded, from Mr. Deas Thomson, stating that if you did become naturalized you should receive an appointment? I have not that letter. I am not positive now whether Mr. Thomson wrote to me, or the Colonial Secretary.

80. He was the Colonial Secretary? Not at that time—that was in 1857. There is my reply to Mr. Deas Thomson, printed in the correspondence.

81. From the context you think the nature of the communication to you will be seen? I think so.

82. That is the letter No. 2, dated 8th March, 1857? Yes.

83. That is where you state, "I beg to inform you that I have taken the oaths of naturalization before the Bench of Magistrates at Uralla, as directed by a letter received from the Colonial Secretary's Office, and am consequently in a position to accept any employment you may in your kindness find, for which I am suitable"? Yes.

84. It does not appear that there is any copy of the letter from the Colonial Secretary's Office produced? No, most of the letters are not here. (*Referring to the correspondence published by order of the House, 14th November, 1861.*)

85. *By the Chairman*: Then this is a very imperfect return of the correspondence which has taken place between you and the Government upon the subject? I should think about one letter out of twenty has been published.

86. May I ask the question, whether you have ever seen, in the hands of the Government, the letters that are not produced here? Yes; I saw a great many more, in 1857, than there are here.

87. Is there any other subject you wish to speak upon? In consequence of my remaining at the diggings here longer than I expected, I was obliged to neglect my business in California, and I had to send home to my brother to take my place there, where I was doing well.

88. You, in fact, gave up your business in California to your brother, in consequence of the inducement held out to you to remain in this Colony? Yes.

89. Has your brother succeeded in business? Not very well; he remained in California only a short time, and then he went back.

90. You think there was a good opening for him there? Yes, there was. I brought down here over £2,000 that I had made in California in two years, and I had more than that amount when I left, in property. There is one remark I would wish to make with reference to my answer to question 45—"There were three parties digging, but they never got any gold." I do not wish it to be understood that they got no gold, but that I got none of it; that is what I wish to say.

FRIDAY, 18 JULY, 1862.

Present:—

MR. LEARY,

CAPTAIN MORIARTY,

MR. PIDDINGTON.

JOHN BOWIE WILSON, Esq., IN THE CHAIR.

The Hon. Edward Deas Thomson, C.B., M.L.C., examined:—

The Hon. E.D.
Thomson,
C.B., M.L.C.
18 July, 1862.

91. *By the Chairman:* The Committee have requested your attendance here, to see if you can afford any information with regard to certain services alleged to have been rendered to the Government by Mr. Bush, an American, in the year 1851, and we should be glad if you would try and refresh your memory as to any transactions you may have had with him at that particular time? I recollect very distinctly having several interviews with Mr. Bush shortly after the discovery of gold here—shortly after Mr. Hargraves communicated his discovery of gold at Lewis' Ponds. The Government was under some embarrassment in consequence of the sudden rush of people which took place to the Bathurst country as a result of that discovery. We were anxious to ascertain what regulations were established in California, where a similar discovery had been made about three years before. I therefore placed myself in communication with Mr. Williams, who was then United States Consul here, and requested him to introduce me to any American gentleman who might be here, who had been at the Californian mines, and who could inform the Government of the regulations in force there. I thought it probable that by that means we might obtain some valuable information that would assist us in establishing regulations on the subject here. It was in consequence of that, that Mr. Williams referred me to Mr. Bush. Mr. Bush waited on me in my office, and I took down from him a memorandum of information, which I perceive was before the Committee of this House, and was published last year, being document No. 9, appended to the report of the Select Committee of last Session. I saw him also on other occasions. He was an intelligent man, and he gave me very useful information, some of which information was acted upon in the establishment of our regulations.

92. Do you recollect if you requested him to proceed to the gold mines and give information and assistance to the Commissioner there? My impression is that I did not. I think he proceeded there to work as an ordinary digger, and not under any engagement with the Government; but I think it very probable that I asked him, when he reached the mines, to communicate with Mr. Hardy, and that impression is confirmed by reference to a document which I find also marked No. 12, appended to the report of the Select Committee of last Session; it is signed by Mr. Hardy, and apparently addressed to me, and dated 25th June, 1851. He there states that he had seen Mr. Bush, to his very great delight, and finds him intelligent and willing to impart what he knows.

93. Mr. Hardy in that letter states, "He goes with me to Summer Hill Creek now, and I have promised to put him on to Icely's, across the country, only 35 miles, so he will lose no time, and be of very great service to me"? Yes, that is also stated in the letter.

94. Would you not infer that this was in answer to some communication of yours to Mr. Hardy? I think it very probable, as I stated before, that I had asked Mr. Bush to see Mr. Hardy, and very likely I wrote to Mr. Hardy saying I had done so, and that on communication with him he would probably be able to obtain some valuable information.

95. Mr. Bush in his evidence states, "I had taken my passage in the ship 'Edgar' to return to California, when Mr. Deas Thomson asked me if I would give it up and go up the country for the Government, and assist Mr. Hardy in putting the regulations in force, and he said he would make it worth my while to do so." You have no recollection of that? None whatever. Ten or twelve years have elapsed—it was a very busy time, all the business of the Government was then concentrated in the Colonial Secretary's Office; I saw hundreds of people, and the communications I received were very voluminous. Such a circumstance might, therefore, by possibility, have escaped my memory, but certainly I have no recollection of it.

96. I think we would be justified in inferring, from the communications before this Committee, that Mr. Bush was of service to the Gold Commissioner? I believe he was, undoubtedly. I would just say, that it was in consequence of that belief that I wrote to Mr. Hay, recommending him for employment; and afterwards, at the request of Mr. Williams, I wrote to the present Colonial Secretary, Mr. Cowper, stating that Mr. Bush had rendered services to the Government, and that I thought he was deserving of the patronage of the Government in consequence.

97. The letter to Mr. Hay that you allude to is the one marked No. 3 in this correspondence? Yes, that is the letter.

98. You do not recollect of Mr. Bush having received any remuneration or recompense from the Government for the services he rendered and the information he gave? I believe he received nothing, as far as I remember. I do not recollect his asking for any remuneration.

99. There is a letter, No. 4 in this correspondence, from Mr. Bush to yourself, in which he says, "May I beg to remind you of the kind intention expressed in your last, with reference to my obtaining a Government appointment";—it would appear from that, that even previous to 1857 Mr. Bush had been making some application with the view of getting some recompense for his services? I fancy that has reference to the preceding letter of 24th March, 1857. I told him at that time, no doubt, that I had forwarded his letter to Mr. Hay with a recommendation that it should be favourably considered.

100. *By Captain Moriarty:* Supposing that an application had been made by Bush to you for pecuniary compensation for the services which in your estimation he had rendered to the

the Government, would you not have given it very favourable consideration? It is probable, I think, that I should.

101. *By the Chairman*: I may mention to you that Mr. Williams, the American Consul, in his evidence before this Committee, alluding to Mr. Bush, states:—"He told me he had been employed to go up to the gold fields, and this was confirmed by Mr. Thomson telling me that he was engaged to go up to the gold fields, and here, so far as my knowledge of the affair is concerned, the thing rests, until recently, when he came down from the country." Mr. Williams here states, that you had informed him that Mr. Bush had been engaged by the Government to go to the gold fields? As I stated before, it is very possible, but I do not recollect it. If he had been engaged to go up to the gold fields he would have received a salaried appointment, but of which, I believe, there is no record.

The Hon. E. D. Thomson,
C.B., M.L.C.

18 July, 1862.

102. *By Captain Moriarty*: If he had been engaged there would have been an official communication to him to that effect? No doubt. That may be easily ascertained by reference to the correspondence in the Colonial Secretary's Office.

103. *By Mr. Piddington*: You are not aware whether any application was made by Mr. Bush to the Colonial Secretary, for compensation, during the period you held office? My impression is, that he never made any such application.

104. *By the Chairman*: When did you retire from office? I gave up office in 1856.

105. Do you recollect receiving any communication from Mr. Bush, from the Rocky River, in 1853, asking for a Government appointment in consequence of his services? I do not distinctly recollect; but, upon further reflection, I think that he did subsequently make an application for employment.

106. I may state that we are led to understand that a good deal of this correspondence with regard to Mr. Bush has got astray, and these documents that have been printed are all that are to be found in the Government departments? Well, if it has gone astray, there must be a record of it in the General Register of the Colonial Secretary's Office, and if there is no record there can be no missing correspondence. You can ascertain that by having before you the Register Clerk of the Colonial Secretary's Office, and desiring him to search in the register for any communication on the subject. Every letter that is received is immediately registered, has a registered number, and the particulars are given,—the date, the party from whom received, the subject, and how the matter has been disposed of. If there was any correspondence with Mr. Bush in 1853, a record of it must be found in the office.

107. Have you any recollection of having, in a letter to Mr. Hardy, requested him to ask Mr. Bush to call on you, on his return to Sydney from the gold fields, in bad health? No, I have not.

108. *By Mr. Leary*: You do not think you could be mistaken in the matter, that you did not desire Mr. Bush to go to the gold fields? I do not think I did. My strong impression is that I did not. As I have stated, I think it likely that, finding he was going on his own private business as a digger, I requested him to communicate with Mr. Hardy, conceiving that he might give him valuable information.

109. From your position as Colonial Secretary, you would have made a point of paying him if any engagement had been made, so that you feel confident there was none? Yes, as confident as a man can be after a lapse of ten or twelve years. But after so long a time I should hesitate to speak with that perfect degree of confidence that I should do in a more recent case.

110. *By Captain Moriarty*: On broad general principles, you think that if Mr. Bush had been engaged to go to the gold fields in the service of the Government, you would have recompensed him for any services he might have rendered at the time? Yes.

111. *By Mr. Piddington*: If there had been any contract between Mr. Bush and yourself, on the part of the Government, you would have no hesitation in acknowledging it? Most assuredly not. I would be bound in honor to do so; but if there was any such contract there must have been a written record of it.

112. *By the Chairman*: Do you recollect giving Mr. Bush letters to Mr. Hardy and Mr. Hargraves, when he went up to the gold fields? No; but I think it very likely I did so.

113. Would these be on the records of the office? No, they would be more private notes; if he were employed officially there would be a record, but not otherwise. If I recollect right, Mr. Hardy was in communication with Mr. Bush when he was down here previously to his appointment as Commissioner. There is no doubt that Mr. Bush was extremely useful to the Government at the time, and it was in consequence of that, that I was very desirous of recognizing his services, by obtaining for him some suitable employment.

FRIDAY, 25 JULY, 1862.

Present:—

MR. LEARY, | MR. PIDDINGTON.

JOHN BOWIE WILSON, ESQ., IN THE CHAIR.

James Hartwell Williams, Esq., called in and examined:—

114. *By the Chairman*: We have again asked you to come before the Committee to give some evidence, if you are able to refresh your memory or to speak positively as to the circumstance of the Government inducing Mr. Bush to go up the country in the year 1851? All I can recollect is the conversation that occurred between Mr. Bush and myself, and Mr. Thomson and myself. I am perfectly aware that Mr. Bush, after having given Mr. Thomson information

James H. Williams, Esq.

25 July, 1862.

James H. Williams, Esq. information with reference to the Gold Fields Regulations in California, was for some time in doubt as to whether he would remain or not. He told me Mr. Thomson wished him to remain. Indeed he was so much in doubt, that his determination was not come to until the 25 July, 1862. very day the ship was going to sail, that he was to go by —

115. The ship "Edgar"? The ship "Edgar"; and he came that day to my office and said he had decided to remain. I told him I thought he had done right, because Mr. Thomson held the same position that our Secretary of State holds, and if he said it would be for his advantage there was no question that it would be so. Afterwards I saw Mr. Thomson, and Mr. Thomson told me he had arranged with Mr. Bush to go up and assist Mr. Hardy in introducing these regulations. I have a distinct recollection of that conversation. After Mr. Thomson's examination here the other day, he came down to my office and we had a conversation about it, and when I told him this, he said it was not fixed in his memory, but if I said so no doubt it was so.

116. Do you think Mr. Bush went up to the gold fields for the sake of entering into mining speculations on our gold fields? I imagine not. I know no such impression existed in my mind. I supposed his object in going—and indeed he told me so—was to assist Mr. Hardy in initiating these regulations.

117. Would the circumstance of Mr. Bush being an American citizen prevent his direct employment by the Government at that time? No doubt it did prevent his direct employment as a Gold Commissioner, or in any official capacity; but, at the same time, I have understood from himself, and others, that he was acting there as a Sub-Commissioner, and was a Gold Receiver there under Mr. Hardy, although, as being a foreigner, he could not receive an appointment direct from the Government.

118. Have you seen any correspondence between Mr. Bush and any of the officers of the Government, as to the assistance he was to afford the Commissioner on the gold fields? No, I have not.

119. Do you know who was agent for the ship "Edgar"? It strikes me that Mr. F. W. Clarke was the agent; but I am not very positive on that point.

120. And you have no doubt in your own mind that Mr. Bush was induced to proceed to the gold fields on the representations of the Government that it would be to his advantage if he did so? None whatever.

121. *By Mr. Piddington*: Do you know that Mr. Bush acted as a Gold Receiver? I only know from hearsay—from his having told me so himself, and other persons also. Indeed, Mr. Palmer, one of the shorthand writers here, told me this very morning that he knew him personally there as Gold Receiver.

122. Is there any documentary proof that he acted as Gold Receiver? I know nothing about that. There could hardly be documentary proof, because he could not have received an appointment, being a foreigner.

123. If he acted as a Gold Receiver, I should imagine there would be some documentary proof of his action as a Gold Receiver somewhere? I imagine the correspondence would be with Mr. Hardy, and that he acted in that capacity at Mr. Hardy's request.

124. Had you any communication with Mr. Hardy on the subject? None whatever. I did not know Mr. Hardy personally.

William Vallack, Esq., Chief Clerk, Colonial Secretary's Office, called in and examined:—

W. Vallack,
Esq.
25 July, 1862.

125. *By the Chairman*: We have requested your attendance here to-day to see if you can give us any information with regard to any correspondence that has taken place at any time between the Government and Mr. A. E. Bush, or between the Government and Mr. Hardy, concerning Mr. Bush;—is there any record in the register of any such letters? The correspondence has been printed.

126. I understood from Mr. Deas Thomson that there was a register kept of all letters received and sent? The letter book contains copies of all letters sent.

127. Is there not a register in which all letters received are entered as soon as they come into the office? Yes. (*Register produced.*) The first letter received from Mr. Bush is dated 10th July, 1851, from Bathurst, transmitting specimens of amalgamated gold. That is in the printed correspondence.

128. Will you be kind enough to tell us the next letter you find there? The next is dated 9th July, 1853, requesting information respecting water-holes. That is not in the printed correspondence. That was sent to the Chief Commissioner on the 26th July, 1853.

129. Can you assign any reason why a copy of this letter was not placed with the printed correspondence? I cannot. The next letter is dated 9th August, 1860, applying for an appointment as Superintendent of the Clyde River Road. That is not in the printed correspondence; it was forwarded to the Secretary for Lands.

130. There is a letter here, dated 8th March, 1857, addressed to Mr. E. Deas Thomson —? I think that was a private letter; nearly all the correspondence was private.

131. How is it that part of this private correspondence is inserted in these documents, and the whole of it not? The private correspondence, so far as it appears in this printed correspondence, was obtained from the Executive Council and from the Secretary for Lands.

132. You have no means of knowing the purport of Mr. Bush's letter, dated 9th July, 1853, with regard to water-holes—you do not know what his object was in writing that? Not the slightest.

133. Is that all the correspondence? No; the next letter is dated 10th June, 1861, further respecting his claim on the Government; that is one of the printed letters.

134. Have you any index to your letter books, giving the purport of the various letters addressed to different parties by the Government? Yes. W. Vallack,
Esq.
135. I mean of letters despatched? Yes.
136. Giving the subjects of the letters? They are entered in full. 25 July, 1862.
137. Have you an index giving the purport of those letters? Yes, and the names of the parties.
138. Have that index and the letters in the letter books been carefully examined? Yes, and there is no letter to Mr. Bush excepting those in the printed papers.
139. And there are no letters from Mr. Hardy respecting Mr. Bush? That I cannot say exactly. The register was examined at the time the Return to the Address was prepared; all the correspondence from Mr. Hardy was so searched.
140. As well as the letters addressed to Mr. Hardy? They were, I imagine, looked for at the Department of Lands. A letter was written to them, asking for all information.
141. If you look at this printed correspondence, you will see a letter, dated 25th June, 1851, from Mr. Hardy to the Colonial Secretary, in which he says, "I have just seen Mr. A. E. Bush, to my very great delight";—do you not think it very probable, from that, that there had been some letter from the Colonial Secretary to Mr. Hardy, previously to that, concerning Mr. Bush? There is none.
142. Is there no communication addressed to Mr. Hardy concerning Mr. Bush? None whatever, so far as I know. The books were transferred to the Secretary for Lands, but they no doubt were examined at the time the Return was made.
143. Did you examine them yourself? No, I did not, because they were not then in the department of the Colonial Secretary.
144. *By Mr. Leary*: Could any letter have come into the office at the Colonial Secretary's without being registered? Not unless it was a private letter.
145. *By the Chairman*: If you look at the terms of the Address, you will see that it requires "a copy of any of Mr. Hardy's despatches in which Mr. Bush's services are alluded to";—now that does not necessarily imply a copy of all letters addressed to Mr. Hardy in which Mr. Bush's name was mentioned? If there had been any letters received from Mr. Hardy in which Mr. Bush's claim was mentioned they would have been in the correspondence.
146. What I want to find out now is, whether Mr. Bush was referred to in any letters addressed to Mr. Hardy;—are you certain the books were searched with that view? I am not positive of that, because the books were then, and are now, in the Department of Lands; at the same time, I have no doubt but that they were.

TUESDAY, 29 JULY, 1862.

Present:—

MR. COWPER, MR. DICKSON,		MR. LEARY, CAPTAIN MORLARTY, MR. PIDDINGTON.
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JOHN BOWIE WILSON, ESQ., IN THE CHAIR.

J. H. Palmer, Esq., called in and examined:—

147. *By the Chairman*: You have been on the gold fields of the Colony? I have. J. H. Palmer,
Esq.
148. Were you there in the year 1851? Yes; in July, 1851. 29 July, 1862.
149. Did you see Mr. Bush there at that time? Yes; I saw him on one occasion in company with the Commissioner, Mr. Hardy. An appeal was made to the Commissioner, in consequence of a dispute at the Wallabi Rocks, in respect to a claim. I saw Mr. Bush in company with the Commissioner at that time. They heard the matter, and then conferred together and settled the dispute. I have also seen him marking out claims, and pointing out the boundaries of claims to the diggers.
150. Did he appear to be acting as a Commissioner? That was my impression; and I know it was the general impression of the people engaged on the diggings at that time. He was generally spoken of as an assistant to the Commissioner.
151. *By Mr. Cowper*: In what way did Mr. Bush appear to you to interfere in giving the decision on the dispute? He came up to the spot in company with Mr. Hardy, and with Mr. Hardy heard the evidence. They then spoke together, and seemed to me to be consulting together as to the decision.
152. Was there any system of miners' rights or licenses at that time? Monthly licenses were then issued.
153. And the diggers all obtained licenses? Yes.
154. Do you know whether Mr. Bush assisted in issuing those licenses? I am not aware; I never saw him do so.
155. How long were you there? I was there on two occasions. On the first occasion for about two months, and on the second occasion for about the same period.
156. And you saw Mr. Bush there on both occasions? If my memory serves me right, I saw him there on both occasions—both in July and in October.
157. And he appeared to you to be constantly in communication and consultation with the Commissioner? I speak, as regards this, more with reference to the remarks and observations of others than to what I myself saw. However, on my first visit, I saw him on the occasion I have mentioned, when he appeared to me to be acting with Mr. Hardy in settling the dispute. I heard him spoken of frequently, subsequent to this, by the diggers, as assisting to settle disputes and other matters connected with claims.

Michael Fitzpatrick, Esq., called in and examined:—

Michael
Fitzpatrick,
Esq.

29 July, 1862.

158. *By the Chairman:* We have requested your attendance before this Committee, in order to ascertain if you have in your office any correspondence between Mr. Hardy, or any of the Commissioners on the gold fields, relative to Mr. Bush, or in which his name is in any way mentioned? I have searched carefully the letter book containing the official correspondence with Mr. Hardy, from the first discovery of gold until 1853, and I cannot find either to Mr. Hardy, or anybody else, any letter in which the name of Mr. Bush is mentioned.

159. From the evidence given before this Committee by a gentleman in the Colonial Secretary's Department, it would appear that in the registry of letters kept in that department, notice is taken of a letter from Mr. Bush to the Government, relative to regulations concerning water-holes—that letter is not now in the Colonial Secretary's Department, having been forwarded by them to the Commissioner of Crown Lands, then under the Survey Department. As that now comes under the Department of Lands, we thought that you might furnish us with a copy of that letter—can you do so? I have no clue by which to find it; I cannot say where it is likely to exist. Doubtless at the time it was received it would be forwarded on to Mr. Hardy, who at that time was the head of the Gold Department in Sydney.

160. Was he Commissioner of Crown Lands? No, he was Chief Commissioner of the Gold Fields. It was then a distinct department, but was afterwards abolished.

161. Will you make inquiry to discover if such a letter is in existence? This was done long ago, when the subject first came up; every search for the letter was made at that time. If such a letter was received in the Colonial Secretary's Office, and transmitted thence to any other department, it would have been to Mr. Hardy's office—that would have been the proper place. I may add that I am simply answering the questions that are put to me; but if I may be allowed, I am willing to give such information on this subject as I possess.

162. *By Captain Moriarty:* I was just about to ask you, whether there was any continuance of that office of Chief Commissioner of the Gold Fields, or whether any similar office was in being at the present time;—has the Chief Commissioner of Gold Fields been a continuing office to this time? No, it was abolished some time ago; and all the papers and records were supposed to be brought back again to the Colonial Secretary's Department. Subsequently, when the new Department of Lands and Works was established, they would be transferred probably to that Department; and again on the division of this Department into the two Departments of Lands and of Works, the correspondence would be divided, and these papers and records would go to the former. In these repeated changes and transferences, often hurriedly made, it is not astonishing that some portions of correspondence should be mislaid or lost, and that no clue should remain by which to trace them.

163. You say that you have some information to lay before the Committee on this matter? I have; I thought the Committee might wish to know what my recollections were as to Mr. Bush's connection with the Government at the time gold was first discovered in the Colony. I was employed in the Chief Secretary's Office, and was very largely in the confidence of Mr. Deas Thomson, then Colonial Secretary. I remember, upon one occasion, when the gold fever was at its height, that Mr. Thomson sent for me, and with an evident air of satisfaction, told me that he had just received from an American gentleman, Mr. Bush, some very valuable information; and he then proceeded to show me what he had taken down from the conversation he had had. These notes formed the basis of the regulations subsequently issued by the Government, and are apparently the same as those given in the Returns now before the Committee. This was in the very early days of the gold discovery. He mentioned, just in the way I have described, that he had just had the benefit of the experience of an American gentleman, Mr. Bush, who was acquainted with the mode of working gold claims in California. He showed me the information he had got, in some notes he had taken of the conversation; and these notes were practically the basis of the regulations subsequently issued by the Government. At that time no one connected with the Government knew anything about the working of a gold field; and consequently Mr. Thomson seemed highly gratified with the information he had thus received. All this time I never heard the slightest allusion made to Mr. Bush being employed on the gold fields of this Colony.

164. Are you aware that Mr. Bush was an American subject, and that he could not therefore be employed by the Government of this country? Yes, he was spoken of as an American gentleman. Mr. Thomson said distinctly that he had just received valuable information from an American gentleman, mentioning his name, Mr. Bush; but I never heard Mr. Thomson say that Mr. Bush was employed, or that he was to be employed in any way. I mention the circumstance, as it was fixed upon my memory, being much too remarkable a thing not to be remembered; but I never, until 1857, heard it alleged that Mr. Bush was in any way employed by the Government, or that he expected any remuneration for the information he had given.

165. Will you look at the document No. 9 contained amongst these Returns? Yes; I believe that to be a transcript of the information taken down by Mr. Thomson from Mr. Bush's conversation. When he sent for me after his interview with Mr. Bush, he put this or the like paper into my hands, to be copied, and to be used in preparing the Gold Fields Regulations that were to be issued by the Government. I did not however hear at the time that, either covertly or otherwise, Mr. Bush was to be employed by the Government. My own impression was, that he was a private gentleman seeking his own fortune. As to this document, it is very easily identified by being compared with the regulations issued shortly after; it will be seen that the information given in this memo. is embodied in the regulations.

166. *By the Chairman:* Will you look at the Returns numbered 9, 10, and 11;—were they all furnished at the same time? No. 8, I see, is dated 1861.

167. But I mean Nos. 9, 10, and 11? I think they were given nearly at the same time.
 168. Not on the same day? I believe that the first contains the information taken down by Mr. Thomson; in fact I am sure of it, for I recollect it perfectly, even at this distance of time; and I think that the memoranda that follow were supplemental questions put to Mr. Bush, for the purpose of elucidating what was not quite clear in the original information.

Michael Fitzpatrick, Esq.
 29 July, 1862.

169. And therefore not given on the same day? No, I think not, but at different interviews. I may say that I do not recollect those latter documents; but the original, taken by Mr. Thomson, I do, perfectly.

170. *By Mr. Piddington:* From your recollection of the conversation you had with Mr. Thomson, you are not under the impression that any claim was made by Mr. Bush for remuneration for the information he had given? No; that is my impression. I was not present, however, at any interview between Mr. Bush and Mr. Thomson, and cannot therefore say what transpired. I only know from what Mr. Thomson told me, after the interview with Mr. Bush.

171. In your interview with Mr. Thomson, after Mr. Bush had just left him, was it your impression, from what Mr. Thomson said to you, that Mr. Bush had made any claim for or expected to derive any advantage from the information he had just given? Not in the least. The impression made on my mind was that Mr. Bush had voluntarily offered this information for the guidance of the Government.

172. Voluntarily and gratuitously? Yes. Of course I do not know what transpired in the interview between Mr. Thomson and Mr. Bush; I am simply giving my impression; but there was nothing that transpired within my knowledge in the Colonial Secretary's Office to lead to the supposition that Mr. Bush expected any remuneration.

John Duguid, Esq., called in and examined:—

173. *By the Chairman:* You are a merchant in this city? I am.

John Duguid, Esq.
 29 July, 1862.

174. Were you in Sydney in 1851? Yes.

175. Do you recollect any circumstances connected with the ship "Edgar," in port in that year? Yes, I recollect the "Edgar," Captain Smith. I was in the office of the agent of the vessel, Mr. Clarke, as his chief clerk, at that time.

176. You conducted that gentleman's business? Yes, I superintended the shipping business.

177. Do you know Mr. Bush? I do.

178. Do you recollect his taking his passage in the ship "Edgar" for California? I do not know whether he actually took his passage, but I am aware that he wanted to leave by her.

179. He did not leave by her? No.

180. Do you know what were the circumstances that induced him to remain in the Colony? It was some encouragement he got to go up the country with Mr. Hardy.

181. With Mr. Hardy, the Gold Commissioner? Yes.

182. Do you know what the encouragement was that was held out to him? No. I know that he was in communication with parties connected with the Government, but the matter being of a private nature I did not inquire into it.

183. Do you know whether he went up to the gold fields on his own account, or whether it was to assist Mr. Hardy? I know that he was connected with Mr. Hardy in some way; either with Mr. Hardy or Mr. Hardy's brother.

184. Did he go there to enter into business on his own account? I do not know that, but I believe not; I know that he was connected in some way with the gold.

185. It has been stated that he forfeited his passage money by the ship "Edgar"; can you say whether this was the case or not? I am not aware. I know that he intended to leave by her and that he did not go, but whether he forfeited his passage money I cannot say.

186. *By Captain Moriarty:* Did he pay his passage money? That I am not certain about. Captain Smith and he were in communication together on the subject of the passage, but as it appeared to be of a private character I did not inquire into it.

187. Would the passage money be paid into your office, as agent of the vessel, or to the captain? It might have been paid to the captain.

188. But what is the general course pursued in these cases;—is passage money paid to the agent or to the captain? The general course is to pay a deposit of the passage money on taking the passage; but in this instance, as Mr. Bush was a friend of Captain Smith's, they may have had some private arrangement between them.

189. If there were such an arrangement, you knew nothing about it? No.

190. You know nothing whatever about his going up on to the gold fields, or about any act in connection with it—you only surmise; within your own knowledge you know nothing positively? Only that I understood he was engaged with Mr. Hardy; and that having had a little experience of the gold fields in California, that he was giving Mr. Hardy the benefit of that experience. I know it was stated that encouragement was offered him to go in this way.

191. But in reference to the degree of encouragement; if he had not had this encouragement, would he have gone up the country, or would he have left the Colony? He would have left the Colony.

192. Upon what do you found that belief? Upon the fact of his negotiating for his passage, and from his having no inducement to remain here; there was nothing to keep him here; he could get no employment.

193. Might he not have gone up on some speculation of his own? I think not.

194. Might not such a thing have been without your knowledge? It might, but I rather think

John Duguid, Esq. think not, from the impression that was given to me by what I heard. Mr. Clarke was an American, and he and Mr. Bush, and Captain Smith, were often talking together about the matter. I paid very little attention to what they were saying, still what they said left an impression on my mind which was, that Mr. Bush stopped in the Colony only on account of the encouragement he got to do so.

29 July, 1862.

195. But you cannot state that positively as a matter of fact? I believe it, but I would not like to swear to it positively.

196. You believe it, but it is not a matter of absolute certainty in your mind? No.

197. *By Mr. Piddington*: Were you an intimate friend of Mr. Bush? No.

198. He was simply an acquaintance? Yes.

199. How did you become acquainted with him? I first got acquainted with him from his coming to Mr. Clarke's. Mr. Clarke was an American, and Mr. Bush being one also, they used often to meet together.

200. Did he make you his confidant as to his future in the Colony? No.

201. Then how do you know what his intentions were in respect to leaving by the "Edgar"? He did not tell me himself, but being employed in Mr. Clarke's office, where Mr. Bush and other American gentlemen were in the habit of meeting and conversing, I overheard things said that led me to believe that he purported leaving by the "Edgar" had not these inducements to remain been held out to him.

202. Then your opinion of Mr. Bush's intention to leave the Colony rests upon conversations you overheard in Mr. Clarke's office? Yes, from statements made by Mr. Clarke, and by American captains who came there.

203. And not from any communication made to you directly by Mr. Bush? No, not at all.

204. *By Mr. Dickson*: Did you know anything of Mr. Bush after he went to the gold fields? I heard about his being with Mr. Hardy.

205. Did you know that he had commenced digging on his own account? No; but I heard that he was engaged in some way in connection with Mr. Hardy's brother.

206. Do you know that he was engaged there upon his own account? I am not aware; I have seen him in Sydney several times, and was told that he came down on business. I have seen him here with Mr. Hardy, but not with Mr. Thomson. I have spoken to him, but I did not pay much attention at the time.

207. Were you in the habit of meeting him often? I saw him several times.

208. And had conversations with him? I have spoken to him sometimes, but have had no conversations with him—not about this matter. I have seen him several times in Sydney, but not lately.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MR. SUB-COMMISSIONER COOPER.

(KIANDRA GOLD FIELDS.)

Received by the Legislative Assembly, 4 June, 1862, and Printed under the Sessional Order of that day.

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

The Petition of the Shareholders of the "Homeward Bound Company" New Chum Hill, Kiandra,—

HUMBLY SHEWETH:—

That upon the 2nd November, 1860, your Petitioners obtained from Mr. Chief Commissioner Cloete a permit for a certain water privilege. That, acting under the authority of this permit, your Petitioners constructed a water race nine miles in length, at a cost of nearly £2,000. That, from 29th July, 1861, to 13th January, 1862, your Petitioners were deprived of the use of this water, by the persistent refusal of Mr. Sub-Commissioner Cooper to compel the holders of conflicting water privileges to measure their supply in the manner prescribed by the Government Regulations, although repeatedly urged to do so by your Petitioners. That for upwards of five months Mr. Sub-Commissioner Cooper wilfully and deliberately violated the Gold Fields Regulation No. 19, which declares that the "water shall be measured by a plank sluice head having a sectional area of twelve inches by one, with a fall of one in twenty-four." That, in consequence of this violation of the law your Petitioners were defrauded of the water to which they were legally entitled, and subjected to a loss of £500. That upon the close of the inquiry into Mr. Sub-Commissioner Cooper's conduct in January, 1862, Mr. Chief Commissioner Griffin ordered that the 19th regulation should be strictly enforced, thereby acknowledging the justness of your Petitioner's application to Mr. Sub-Commissioner Cooper, and restoring the water of which they had been for five months deprived.

That your Petitioners have been ordered by Mr. Sub-Commissioner Cooper to pay damages to the amount of £48, to certain parties who declared that they were short of water, but who had never been gauged, and who, consequently, could not possibly prove that their supply was deficient.

That, upon the 6th August, 1862, your Petitioners received from Mr. Sub-Commissioner Cooper an order directing them to turn the water out of their race, for the benefit of a party holding a race *above* them. That notwithstanding your Petitioner, Samuel Hawkins, explained to Mr. Sub-Commissioner Cooper the relative position of the two races, and shewed the physical impossibility of forcing the water *up* hill as directed by the order, that he still insisted upon your Petitioners resigning it, for the avowed purpose of accomplishing that which was manifestly impracticable. That your Petitioners' race being dry from this cause, became blocked up with snow for a distance of four miles, that the frost seriously damaged the whole of the embankments, and in three places utterly destroyed them, all of which results were effectually prevented in other races by the flowing water. That this order, absurd, impracticable, and ridiculous, entailed upon your Petitioners losses to the extent of £200.

Finally, that your Petitioners have been subjected to a loss of upwards of £800, solely attributable to the tyrannical and arbitrary orders and decisions of Mr. Sub-Commissioner Cooper. That these orders and decisions were in themselves either in direct violation of the law, or enjoined the carrying out of a palpable absurdity. That both these facts were repeatedly pointed out to Mr. Sub-Commissioner Cooper by one of your Petitioners, Samuel Hawkins, but invariably failed to produce any effect upon his expressed determination of maintaining the validity of his decisions. That owing to the unlimited and undefined nature of the discretionary powers with which the Gold Commissioners are invested, your Petitioners are shut out from all hope of legal redress, and therefore humbly pray that your Honorable House will take into consideration the peculiar character of the injuries which have been inflicted upon them, and the losses which they have sustained by the unjust acts of a representative of the Government, armed with despotic and irresponsible authority; and your Petitioners humbly pray that your Honorable House will take the foregoing premises into consideration, and devise such means of redress as your Honorable House may deem most fitted to meet the circumstances of the case.

And your Petitioners, as in duty bound, will ever pray.

SAMUEL HAWKINS.
JAMES MARTIN.
T. H. WINGRAVE.

Kiandra, 30 May, 1862.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MR. SUB-COMMISSIONER COOPER.
(CORRESPONDENCE RESPECTING.)

Ordered by the Legislative Assembly to be Printed, 18 September, 1862.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 20 June, 1862, praying that His Excellency the Governor would be pleased to cause to be laid upon the Table of this House,—

“ A Copy of all the Correspondence, Evidence, and other documents, connected with the investigation into the conduct of Mr. Cooper, Sub-Commissioner at Kiandra.”

(Mr. Wilson.)

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MR. SUB-COMMISSIONER COOPER.

No. 1.

MR. SAMUEL HAWKINS to SECRETARY FOR LANDS.

Kiandra, 26 August, 1861.

SIR,

I am one of a party of miners upon this gold field, holding a water race of nine miles in length, which we have constructed at great expense, under the sanction of a permit granted to us by Mr. Cloete. This property is now rendered worthless by the rulings of our present Commissioner, Mr. Cooper, and as we have been, we conceive, unjustly dealt with, and cannot obtain redress, we have determined to appeal to you.

I will state our case as briefly as I can. Some fortnight since, we were fined £8 for non-compliance with an order we never received. One of the assessors who sat in the case was proved, between the day of the trial and the exaction of the fine, to have been a partner of the chief complainant. I explained the fact to Mr. Cooper, but he refused to entertain the question; Mr. Scott also, in the interim, by telegram, reversed the ruling on which the alleged order was founded; so that in any case the disputed question was decided in our favour. Notwithstanding this, one of my partners, Mr. G. Maxwell, was on the following morning confined in a filthy lock-up until the money was paid. In another case Mr. Cooper gave us an order which it was impossible to comply with, because in order to obey it we must have made water run up hill. He had never seen the locality to which the order referred, and refused to listen to my explanations on the subject, and persisted in compelling us to turn all water out of our race, in order to supply another which it could never reach without running up hill; this entailed great loss upon us, whilst the frost and snow was seriously damaging the race in consequence of the withdrawal of the water. These matters I have previously fully explained to Messrs. Wilson and Hoskins, and requested them to bring the subject under your notice; I will therefore say no more on these points. I also wrote to the *Sydney Herald*,—my letter appeared on the 17th instant,—and to Mr. Cloete, requesting his interference. In the meantime our opponents' race changed hands, and the new proprietors lodged a complaint against us. Mr. Cooper told Mr. Maxwell, my partner, that he would not interfere in these water disputes again until the arrival of Mr. Scott. However, the day after the arrival of the *Herald* with my letter, Mr. Maxwell and myself received a summons to answer a complaint which Mr. Cooper had previously declared he would not entertain. The summons was received at eleven o'clock, and we were required to be in town at two; we had no time to procure our witnesses, and attended without them. The complainants having of course a prior knowledge of the coming trial, had mustered their friends in force in the bar of a public-house where Mr. Cooper always holds these trials. The place was packed with their partisans. Mr. Cooper called for assessors,—we objected to all in the room, knowing them to be adherents of the complainants; Mr. Cooper would not allow us to send for parties from the river totally unconnected with either side, and, contrary to our wish that he should try the matter himself alone, he chose two assessors and commenced the trial. After the complainants were heard, we were called upon for our defence. We stated our case, and requested permission to procure our witnesses. It was denied us; if we could not produce them at the moment, Mr. Cooper said the case should proceed without them, after having held a long whispered conference with the assessors. Without these witnesses we could not maintain our position, and were consequently condemned, unheard, to a fine of £20, or three months' imprisonment to Goulburn. We were ordered out of the room whilst the verdict was being considered, and during this time I was assaulted for the third time within twenty-four hours, all in consequence of my letter in the *Herald*, as some of my assailants avowed. Mr. Cooper was perfectly aware of the excited state of feeling against me when he sent me into the crowded bar-room, for I had received numerous friendly warnings before hand, and had told him I required protection; he said, "I don't care two-pence about it, you are brought down here to answer a charge against you, and I can't help it." These are, as nearly as I can recollect, his own words. After the verdict was given, I told Mr. Cooper what had occurred, and declared I would hold him responsible if I was injured, as I knew my life was in danger; he then ordered a policeman to see me safely out of the place. One of the assessors wished the case postponed, to give us an opportunity to procure our witnesses, but was overruled. No records are ever kept of these trials,—there is neither ink or pen upon the table, and no one even suspected of being friendly to us is safe in the house. One man who had only been hired by us was brutally attacked there on the previous night, and skulking ruffians lurk about the corners of houses, ready to pounce upon us whenever we show ourselves in the street. Mr. Maxwell is an old man, and has hitherto been excepted; but in the evening as I came out of a store, three men murderously set upon me, and it was only by the generous interference of some bystanders that I was enabled to effect my escape. These men are the champions of Mr. Cooper, and swear vengeance on me for publishing my complaints against him. Whatever charges I have preferred against him, either to Mr. Cloete, Messrs. Wilson and Hoskins, in the *Herald*, or to yourself, I reiterate now, and am still prepared to sustain. This last trial,

trial, if such it can be called, was one-sided and partial; we never had a hearing, whilst the house was packed with the adherents of our opponents, and anyone supposed to favour us was intimidated from appearing. We ask, then, that Mr. Cooper's conduct in this matter shall be investigated from the beginning; we respectfully request that our complaint may be inquired into, and if it shall be proved that we have been wronged, that our grievances shall be redressed. Mr. Maxwell is personally known to Mr. Meston, M.P., whom we have addressed on the subject; to Mr. Hoskins, Member for the Gold Fields North; and to Mr. Buchanan, Chief Gold Commissioner in the North,—all of whom he is sure will vouch for his respectability. Mr. Maxwell has been suffering from a severe cold ever since his confinement; the lock-up has no fire-place, no beds, the flooring is open, through which a piercing freezing wind penetrated, and a disgusting evacuation was lying in a corner, poisoning the atmosphere.

A public meeting was held on Saturday last, to sympathize with the Commissioner and to condemn the attacks upon him; no one, however, holding contrary views was safe if he uttered them, and the chief movers in the matter were the very parties who had benefited by our fines and appropriated our water. However, their proceedings cannot alter facts, or refute our allegations. We earnestly desire an investigation before an impartial tribunal, when we shall be prepared to substantiate and verify every statement we have made. We boldly and distinctly charge Mr. Cooper with partiality and injustice; we contend that both the fines have been illegally inflicted; and we declare that our water is appropriated by a man (Speck) who holds no permit in his own name authorizing him to take any. Mr. Cooper has refused to compel this man to prove his alleged right; and even granting it proved, he has refused to enforce him to measure his supply, which we are prepared to swear has been considerably above even the supposed quantity he contends he is entitled to, and which he uses to our prejudice. We trust, therefore, sir, that you will cause our complaint to be inquired into, and in the meantime we respectfully ask that we may be protected from the murderous onslaughts of cowardly ruffians, who dog our footsteps whenever we appear in the streets. If the Government will appoint another Magistrate here, unknown to all parties here now, and send another Commissioner up, or take whatever steps they deem best for the elicitation of the truth, we will vindicate our conduct, and I am certain establish the fact of the injustice which has been inflicted upon us.

I am, &c.,
SAML. HAWKINS.

P.S.—Mr. Maxwell wishes me to add the names of Messrs. Riley and Cowper, of Tenterfield, and Mr. Cloete, Gold Commissioner, who he says he is sure will vouch for his respectability of character.

This complaint may perhaps be referred to Mr. Cloete for his report.
Forwarded for the report of Mr. Commissioner Cloete.—B.C., 9 September, 1861.—M.F.
Mr. Hawkins informed.—9 September, 1861.

No. 2.

UNDER SECRETARY FOR LANDS to MR. SAMUEL HAWKINS.

*Department of Lands,
Sydney, 9 September, 1861.*

SIR,

Your letter under date the 20th ultimo, on the subject mentioned below, has been duly received, and referred for the report of the Commissioner in charge of the Southern Gold Fields.

2. As soon as the necessary information has been obtained, a further communication will be made to you.

I have, &c.,
MICHL. FITZPATRICK,
Under Secretary.

Subject :—Complaint against decision given by Mr. Sub-Commissioner Cooper, with regard to water race held by yourself and others.

No. 3.

J. B. WILSON, ESQ., M.L.A., to SECRETARY FOR LANDS.

Sydney, 9 September, 1861.

SIR,

I herewith forward to you a communication from Mr. Samuel Hawkins, Kiandra, containing six charges against Mr. Commissioner Cooper.

As some of the charges seem to be of a serious nature, I hope you will be pleased to cause an inquiry into them as soon as possible.

I have, &c.,
J. BOWIE WILSON.

An explanation should be obtained, either from the Chief Commissioner or from Mr. Cooper; but you take the usual course.—JOHN R.

[Enclosure

[Enclosure in No. 3.]

Kiandra, 2 September, 1861.

Sir,

I beg to lay before you, per favour of J. B. Wilson, Esq., the following charges which I prefer against Mr. Cooper, the Gold Commissioner for this place:—

1. On the 1st August I informed Mr. Cooper that a man named Speck was using water to our prejudice, who held no permit or transfer for the same, and requested him to make Speck prove his right in the first place, and in the event of doing this, to compel him to place a gauge, according to the rules, in his race, to prevent his taking more than his right. It so happened that Speck himself was at the camp at the time, and admitted before Mr. Cooper that he did *not* hold any permit in his name for this water. Mr. Cooper refused both my requests; and this man, I can prove, held *more* than even his *alleged* right afterwards, at a time we were fined for using water which he was appropriating.

2. On the 2nd August we were fined £8 for non-compliance with an order we never received, and on the 10th one of my partners was confined in the lock-up for not paying this money. On the previous evening I waited upon Mr. Cooper, and informed him that Mr. Scott had reversed, by telegram, his decision upon which the supposed order was founded; and that one of the assessors who sat in the case was an admitted partner of the complainant, Mr. Yates, the banker. With both these facts staring him in the face, the punishment was carried out.

3. On the 6th August Mr. Cooper gave us an order to turn the water out of our race into another. To comply, it would be necessary to make it flow up hill. I endeavoured to explain this to Mr. Cooper; he refused to listen, and compelled me to keep the water out of the race, for the supposed benefit of another race, which by no possibility could it ever enter.

4. On the 22nd August we were fined £20 damages. We objected to the assessors, knowing the room to be packed, and asked permission to send to the river for disinterested men. Mr. Cooper refused.

5. We asked for a postponement of the trial, in order to afford us an opportunity of getting our witnesses, which the shortness of the notice prevented us having in attendance. Mr. Cooper refused. One of the assessors will swear that he wished to postpone the trial for this purpose, but was overruled.

6. Before the trial commenced (they have all taken place in a public-house) I appealed to Mr. Cooper for protection, having been twice assaulted on the previous day, and knowing the angry feeling of the crowd in the bar-room, where we were standing. He said I was brought down to answer a charge; he could not help it, and did not care two-pence about it. While the trial was in progress, and when the verdict was being considered, I was ordered out of Court; the only place to retire was this same bar-room, and whilst standing there, close to the door, in obedience to a summons from Mr. Cooper, without a word of provocation I was again assaulted, and after I had appealed to Mr. Cooper for that protection which he failed to accord me.

These, sir, are my charges, and all of them I am prepared to prove to the letter. I have attempted no explanations, and have suppressed many grounds of complaint, because I might have experienced some little difficulty in maintaining them, many witnesses not liking to appear in opposition to a Commissioner; but the foregoing six charges I shall have no trouble in maintaining, and therefore, for the present, confine myself to them.

I trust, sir, therefore, that you will give me an early opportunity of establishing the validity of my accusations, and thus afford me the first step towards redress. At present our property is at the absolute mercy of Mr. Cooper, and legal assistance is, for the time, out of our reach—truth to tell—for want of funds. To the Government alone, then, we are compelled to look for restitution and redress, and the sooner an inquiry is instituted the greater will be the benefit conferred.

I beg to remain, Sir,

Your obedient servant,

SAML. HAWKINS.

To the Hon. J. Robertson,
Minister for Lands, &c.

No. 4.

UNDER SECRETARY FOR LANDS to COMMISSIONER CLOETE.

Department of Lands,

Sydney, 4 October, 1861.

SIR,

With reference to my letter of the 9th ultimo, forwarding for your report a communication received from Mr. Samuel Hawkins, preferring certain charges against Mr. Sub-Commissioner Cooper, I am now directed to transmit to you a further letter from Mr. Hawkins, submitted by Mr. J. B. Wilson, the Member for the Southern Gold Fields, and to request that you will call upon Mr. Cooper forthwith for an explanation.

2 Sept., 1861.

I have, &c.,

MICHL. FITZPATRICK.

No. 5.

COMMISSIONER CLOETE to SECRETARY FOR LANDS.

Goulburn, 7 October, 1861.

SIR,

With reference to the complaint of Mr. Hawkins, of Kiandra, against a decision of Mr. Sub-Commissioner Cooper, I do myself the honor to inform you that, on the receipt of a letter from Mr. Hawkins, dated 8 August, 1861, making his statement of the case, I returned it to Mr. Cooper for report. The report was furnished, but I did not consider it sufficiently satisfactory. I have therefore again written to Mr. Cooper, pointing out the particular points demanding attention, and therefore trust shortly to be able to give you a full report on the matter.

I have, &c.,

P. L. CLOETE,

Commissioner in charge, Southern Gold Fields.

No. 6.

MR. SUB-COMMISSIONER COOPER.

5

No. 6.

J. B. WILSON, ESQ., to SECRETARY FOR LANDS.

17 October, 1861.

SIR,

I have received a communication from Mr. S. Hawkins, Kiandra, requesting that immediate steps may be taken to investigate the charges made by him against Mr. Commissioner Cooper, as important interests are involved.

I have, &c.,

J. BOWIE WILSON.

No. 7.

UNDER SECRETARY FOR LANDS to J. B. WILSON, ESQ., M.L.A.

*Department of Lands,**Sydney, 22 October, 1861.*

SIR,

In reference to your note of the 17th instant, on the subject of the complaint preferred by Mr. S. Hawkins, of Kiandra, against Mr. Sub-Commissioner Cooper, I am directed to inform you that this matter is in the hands of Mr. Gold Commissioner Cloete, for investigation, from whom a communication has recently been received at this office, to the effect that he has already taken steps for investigating the complaint.

I have, &c.,

MICHL. FITZPATRICK.

No. 8.

COMMISSIONER CLOETE to SECRETARY FOR LANDS.

*Gold Commissioner's Office,**Goulburn, 11 November, 1861.*

SIR,

I do myself the honor to enclose herewith a complaint made against Sub-Gold Commissioner Cooper, by a Mr. MacDonogh of Kiandra, in order that it may be referred to the Commissioner in charge of the Southern Gold Fields, Mr. Griffin, should further inquiry be required.

2. I conceive that the proper mode of procedure on Mr. Cooper's part would have been by *summons* in the first place, and the fine should have first been levied by distress, and in default of sufficient distress, then imprisonment; and I cannot see that under the Gold Act any constable had a right to take a man into custody at once for not having his mining right. The verdict of "Fined £5, or in default, one month in Goulburn Gaol with hard labour," would seem to me to be illegal.

I have, &c.,

P. L. CLOETE,

Commissioner in charge, South-western Gold Fields.

[Enclosure in No. 8.]

Kiandra, 10 August, 1861.

Sir,

The accompanying documents, originally intended for transmission to the Colonial Secretary, are now more properly forwarded to you, as the head of the department with which the individual complained of is connected.

Although informed by Mr. Cooper (on intimating to him my intention) that neither you or even the Governor dare revise any decision of his, or bring him to account, I still trust there is some means of preventing the perpetration of gross and wanton outrages.

Calmly reviewing the whole of the matter, I consider I am the victim of a malignant and malicious proceeding on the part of Mr. Sub-Commissioner Cooper, for no assignable offence save a conversational comment on (according to the several views which individuals may take of it) a well or ill judged proceeding. I am fully warranted in the foregoing conclusion, by the system of interrogation to which I was subjected while copying the depositions, as to my comments; and indeed, I may add, the almost direct admission that my comments on him produced the then result.

Trusting that I shall receive at the hands of the authorities such reparation as the circumstances demand,—

I have, &c.,

W. A. MACDONOGH:

P. L. Cloete, Esq., G. F. Commissioner,
Lambing Flat.

[Sub-enclosures.]

On or about the 26th July, Mr. Cooper, Sub-Commissioner on this Gold Field, had the Chinese population rounded up and escorted to the Camp, attended by a numerous crowd, to insure their possession of miners' rights. About 150 rights were issued, and about twenty-five unable to pay were confined in the lock-up, without food, for a couple of days.

The proceeding naturally formed the subject of conversation as parties met.

In

In a conversation at Carmichael's Inn with some of our storekeepers, such conversation being general, I expressed an opinion as follows:—

I consider the proceeding injudicious and ill advised, as having a tendency to inaugurate a roll-up. That the unfortunate creatures were then suffering fearfully, driven from post to pillar. That their means must be limited, and I was quite sure the Government did not require from the Commissioner such a mode of proceeding.

Some one stated that he was looking for the appointment of Police Magistrate, and that his exertions in increasing the revenue would give him a lift; to which I replied, "If all the facts we know were known in Sydney, I fear he would find he is going the wrong way about it."

I give all the conversation, so that a correct judgment may be formed of the accompanying deposition.

STATEMENT.

On the 29th July I was accosted by Sergeant Foley, of the Kiandra Police, at the door of the Exchange Hotel, when he demanded my miner's right. I declined showing it, denying his authority to demand it; to which he replied, "I am instructed to demand it, and in case you refuse I must take you into custody." Being at the moment unprepared to place my hand upon it, I requested half an hour to look it up, which, after some hesitation, was granted, conditionally that I was at the Camp within that time. I proceeded immediately to the Camp, and found the Commissioner absent. I was at once placed in the lock-up, and compelled to submit to search. Pending Mr. Cooper's return, I was detained three hours, although I frequently offered any bail which could be required, and each time was refused on the plea of obeying instructions.

Half-past 6 o'clock, Mr. Cooper returned, when I was discharged, with orders to attend Court at 10 o'clock next morning.

I then, to save the possibility of similar treatment, pending my search for other miner's right, procured a second one, and at 11 o'clock next day, with the annexed letter, I proceeded to the Camp, so as, if necessary, to offer any additional explanation; and, on handing the letter to Mr. Cooper, was informed that a warrant had been issued, as I was not there at 10 o'clock. Having been again arrested, I requested the favour of having the matter then disposed of. The accompanying evidence was taken, and I respectfully submit it disclosed sufficient proof of the malignant gratification of mean, petty spleen, and a total absence of any truth in the statement of the sergeant, as in his cross-examination he was unable to adduce one single act or expression of mine to warrant his opening statement.

Kiandra, 30 July, 1861.

Sir,

Having made search for my miner's right, which is mislaid, I beg to state that it will not expire till some time at the close of next month or commencement of September. So soon as I place my hand upon it, I shall forward it to the camp.

I am, &c.

W. A. MacDONAGH.

The Commissioner,
Kiandra.

COPY DEPOSITIONS.

Regina v. W. A. MacDonagh.

Michael Foley, being duly sworn, saith as follows:—I am Sergeant of the Kiandra Police; yesterday afternoon I apprehended W. A. MacDonagh, on a charge of not being the holder of a miner's right; I have called him three times, and he does not appear; he was admitted to bail on his own recognizance to appear at the Court House this morning at 10 o'clock.

M. F.

30 July, 1861.

Warrant issued.—W. A. MacDonagh under arrest.

Michael Foley, being duly sworn: I am in charge of the Kiandra Police; for some time past I have been led to understand that W. A. MacDonagh has been sowing the seeds of dissension between the Chinese and European miners residing at Kiandra, and also that he was without a miner's right; about half-past 2 on yesterday I went to W. A. MacDonagh, and asked him if he had a miner's right; he said that he had; I asked him to produce it; he refused to do so, stating that I had no authority to demand its production; I stated that I was authorized to do so, and if he persisted in not producing it, I would take him into custody; MacDonagh asked for half an hour to look over his papers, which I did, and after the expiration of that time I took him into custody; I did not state to MacDonagh that I was specially ordered to ask for his miner's right; I am frequently asking miners and storekeepers to produce their miner's rights; MacDonagh said if he could not find his miner's right he would come over to the barracks; I understood by that that he did not wish to be seen in the custody of a constable.

Cross-examined: I have not heard MacDonagh making use of any expression calculated to cause a breach of the peace between the Chinese and Europeans, nor were any expressions used by MacDonagh even told to me; I am not aware of your having been connected with any riotous proceedings.

M. F.

30 July, 1861.

Fined £5, or in default, one month in Goulburn gaol with hard labour.

F. A. C.

30 July, 1861.

No. 9.

COMMISSIONER CLOETE to SECRETARY FOR LANDS.

Gold Commissioner's Office,
Goulburn, 12 November, 1861.

Sir,

I do myself the honor to return herewith letters having reference to certain charges made against Sub-Gold Commissioner Cooper. A report from that officer I enclose also; and I would suggest, that a re-hearing on the spot can be the only satisfactory mode of ascertaining the real merits of the case, and as the Kiandra Gold Fields are now under the

the charge of Mr. Gold Commissioner Griffin, that gentleman might at once personally investigate the matter, his duties, on taking charge, probably requiring his immediate visit there.

2. In the matter of Shinnick's case I cannot see the utility of Mr. Cooper's order, as the water so directed to be turned off by Hawkins and Maxwell could not supply Shinnick, who heads from a different source and higher.

3. With reference to Speck, I know him to have been one of the parties engaged in tunnelling at the Nine Mile, entirely away from the creek now in dispute. The permit, however, stands in the name of Norton, Burns and Co.; and if Speck, by *affidavit*, can prove that he was one of the *company*, and has *always, by occupation*, upheld his right, I think he would be entitled to the race, although his name is not actually mentioned in the permit. It is more correct, however, in Commissioners to enter *all* the names of partners in a permit. I never acknowledge the transfer of any water or other right from one miner to another, unless such right or claim has been duly transferred before a Commissioner.

4. With reference to the race of Taggart and Co., the two sluice heads granted cannot mean two "ground sluice heads," as Mr. Cooper would seem to have decided. A sluice head means a quantity of water measuring twelve inches by one; whereas a ground sluice head is double that quantity; and had the permit meant to have granted "ground" sluice heads, it would have been especially mentioned in the permit. In all cases of water privileges, I think a permanent gauge should be put in by the holders of the permits, at the head of the race, in all cases.

5. This matter seems to me to be so complicated that, in my opinion, it can only be decided on the spot, and after careful and personal examination of the localities; and I shall, therefore, if you so desire, send all the other papers connected with this matter directly forwarded from Kiandra to Mr. Griffin, to whom I shall be ready, at the same time, to give such an opinion for his guidance as my knowledge of the locality and the parties in dispute might enable me to do.

I have, &c.,
P. L. CLOETE,
Commissioner in charge, South-western Gold Fields.

[Enclosure 1 in No. 9.]

Camp, Kiandra,
28 August, 1861.

Sir,
In compliance with your request, I have the honor to state, that about five weeks since a complaint was made to me by Taggart and party, to the effect, that although they held a permit for two sluice heads of water to be taken from Bullock Head Creek, and bearing date 16th April, 1860, they could not obtain anything like that quantity, whilst Maxwell and party, who are the holders of a water permit for the same locality, dated six months after them, had no less than two ground sluice heads running down their race. At my earliest convenience I proceeded to the head of Taggart and party's race, a distance of about five miles, accompanied by Maxwell and two assessors, and when there, ordered the assessors to gauge the water in Taggart and Co's. race; the result of which was that the last-named parties had only 1½ box heads of water. I at once told Maxwell that he must let down 2½ box heads from his race to Taggart and Co's., which order he complied with for a few days only. So soon as Maxwell and party found it inconvenient to obey the order, they turned the water off again. Taggart and party a *second* time complained, and two assessors having again been selected, I proceeded to hearing the case. The assessors ruled that Maxwell and party were to supply Taggart's party with the water they were short. This Maxwell's party did for about one week, and then turned it off again; consequently a *third* complaint was preferred against Maxwell and party, and after I had summoned Maxwell and two assessors to attend, proceeded to hearing the charge. The decision come to on this occasion by the assessors was, that Maxwell should pay a sum of £5 within seven days, otherwise he should go to gaol for one week. Maxwell there and then gave notice of appeal. I told him that there was appeal open to him; that the amount he was fined was assessed by two duly qualified assessors, and that that amount was under £10. It was on this occasion that Edward Shinnick acted as an assessor, and Shinnick's acting on this occasion was at Maxwell's *special request*. I have further to state that Shinnick was in no wise interested in the decision; at least if he was he swore to me at the trial, and that too in the hearing of Maxwell and others, that he was in no manner interested.

You will perceive from the above the exceeding obstinacy that has characterized Maxwell and party's conduct throughout the whole of this affair; and I assure you had Mr. Scott been upon the gold fields at the time, both Maxwell and his mate Hawkins would long since have been punished for encroachment.

I have, &c.,
FREDERICK A. COOPER.

If the permit says *two sluice* heads, it means two box and not two *ground* sluice heads.—P. L. C.

[Enclosure 2 in No. 9.]

Kiandra, 8 August, 1861.

Sir,
I beg to enclose a copy of an order we have received from Mr. Cooper, together with a sketch of the creek and its branches, and the position of the races referred to, by the aid of which I trust I shall be enabled to show you the absurdity of the order itself, and the *impossibility* of obeying it, together with the hardship and injustice which our compliance with the first portion of it has entailed upon us. If the water is turned out of the head of our race at A, and flows down to the junction at B, how can it possibly influence the supply in Shinnick's race, which heads at C, more than a mile *up* the west branch. We might just as well be told to turn a stream into the Murrumbidgee at Gundagai, in order to supply a deficiency of water in the Murray at Albury; the case is exactly parallel, and equally impossible. I have endeavoured to explain these things to Mr. Cooper, but he refuses to hear anything more

more on the subject, and contents himself with declaring that all rights prior to ours must be satisfied first; and when any of these parties are short and complain to him, he gives either them or us an order to cut our race, without giving himself the trouble to ascertain the truth of the statements, or the sense and justice of the demand. In no one instance is there a proper gauge affixed to a race, and in this case there is no gauge at all; consequently it is impossible for any man to positively declare that his race does not contain his permitted supply. The complaint is lodged in our absence, we are not allowed to prove our position; if we should attempt to demur to the justice of the order we shall be threatened with fine and imprisonment; we therefore comply, and beg to request your immediate interference. If you find that I have garbled the truth in any respect, or prevaricated, coloured, or perverted the facts, then of course we have justly forfeited all right to appeal to you; but if, on inquiry, you shall discover that my statements are correct, we trust that we may then confidently rely upon your assistance in support of our cause. In my letter of the 3rd instant I did not state that assessors had been called in, in the dispute in Taggart's case. I did not think it material, and omitted to mention it from no motives of concealment. Mr. Cooper, however, has intimated to me that he must carry *their* verdict into effect, although, as I stated in my last, Mr. Scott's telegram had reversed his ruling; and Taggart, previous to our supply being cut off, really was in possession of his full quantity of water, according to the reading of his permit. I have now discovered that Mr. Yates, the banker, a proprietor in Taggart's race, and the complainant in that case, is also a shareholder in Shinnick's race, and the chief complainant there also. Now Shinnick himself was one of the assessors, and consequently adjudged and awarded damages to his own partner. Surely this of itself ought to quash the whole proceeding. After the receipt of Mr. Scott's telegram, reducing Taggart's supply by one-half, the whole of the water at that time being turned out of our race in obedience to Mr. Cooper's order, we thought that the order (a verbal one) was in abeyance, as the object of it had been fulfilled. I therefore wrote to Mr. Cooper, and told him that we disputed the right of Speck to any water, as none of the original holders of rights in that race were on the diggings, and had never transferred their interests; and also, supposing that Speck could make good his claim, that we should require him to measure his supply; and in Taggart's race also we asked for a gauge. Mr. Scott's telegram having disposed of Taggart's case, and, as we imagined, the order in reference to it, I stated our intention of turning the water into our race, and by so doing test Speck's right, and with reference to *whom* no order had been made. I am afraid I am troubling you with a host of petty details, but I trust that you will pardon me when I tell you that Mr. Cooper charges us with disobeying his order, and has stated in the town that as soon as another Magistrate arrives here he will sentence Mr. Maxwell and myself with three months' imprisonment. We *never* have disobeyed his orders, no matter how greatly we deemed ourselves wronged; neither have we ever treated him with discourtesy or disrespect; and we therefore trust that you will inquire into the circumstances without delay, and prevent, if possible, such gross injustice. I have written to the gold field Members, laying the whole case before them, because if this should not reach you quickly, and Mr. Scott should arrive here before you can interfere, Mr. Cooper may be enabled to carry his threat into execution.

P. L. Cloete, Esq.,
Lambing Flat.

I am, &c.,
SAML. HAWKINS.

[Enclosure 3 in No. 9.]

Camp, Kiandra,
14 October, 1861.

Sir,

I have the honor to state, in compliance with the request conveyed in your letter of 9th instant, that I would report upon the statements made in Mr. MacDonagh's letter to you, bearing date 31st July last, that those statements are wholly without foundation. The facts of the case are as follows:—

About the 20th July last I was called upon by one Johnson, a Chinese boss, to determine a dispute then pending between himself and another Chinese boss, called Joe Fee. Before proceeding with the case I called upon the Chinese then present to produce their miners' rights, and to my astonishment, found that four-fifths of those present were without them. I at once declined to proceed further in the dispute, on the ground that neither of the litigants had properly authorized persons mining for them, and ordered the two bosses, the leaders of the different parties, to tell their countrymen who were without miners' rights to come the following morning to the Camp and take them out. A few days elapsed, and no notice whatever was taken of the order I had given; whereupon, on the 26th July, I ordered the sergeant in charge to proceed to the Chinese encampment, taking along with him two constables, and bring all the Chinamen that they found without miners' rights to the Camp; which order was executed with the greatest propriety, nor was there a *single European* in attendance during the march of the Chinese to the Camp. At the time of the arrival of the Chinese at the Camp, Messrs. Hepburn, of the Sydney branch of the Oriental Bank, Horton, Goldstone, and Burke, were present on business. Some two or three others, who were drinking at Turner's Hotel, seeing a number of Chinamen marching to the Camp, followed in the rear, with a view to ascertaining the cause of their presence. So great was the order and decorum manifested during the march of the Chinese to the Camp, that the above-named gentlemen were not cognizant of their approach until they were midway between the Camp and Turner's Hotel. When the Chinese arrived, I separated, with the aid of the sergeant, two constables, and Michael Burke, those who had miners' rights from those who had not. Those who had them I at once dismissed, and those who were without them, with the exception of *two*, immediately produced 10s., and had a miner's right granted them. I imagining that these *two* if locked up would pay, ordered them to be confined until the *following morning*, when finding that they had no friends I released them, extorting from them a promise to return as soon as they were in a position to take out a miner's right. Messrs. Hepburn, Horton, and Goldstone, writing the miner's rights, whilst I received the payment for them. Thus much for the charge of "having the Chinese population rounded up and escorted to the Camp attended by a numerous crowd; and that twenty-five unable to pay were confined in the lock-up without food for a couple of days."

The circumstances that led to Mr. MacDonagh's being fined £5 are as follows:—

It having been pretty loudly rumoured that nearly the whole of the storekeepers were without business licenses, and that a great number of the European miners were without miners' rights, I ordered the sergeant to call at the different stores at Kiandra, the Four and Nine Mile, in order to ascertain the accuracy of the rumour. The result of the inquiry proved the truth of the rumour, as is shown by the returns sent of the miners' rights and business licenses for the quarter ending 30th September, issued by me, being in excess of those issued during the preceding six months; and amongst the vagrants and loafers pointed out to the sergeant who were known to be without miners' rights, was MacDonagh, who at the present moment is open to be brought up under the Vagrant Act, for having no lawful or visible means of support, passing his time in the different public-houses by endeavouring to set all the people of Kiandra by the ears.* Upon MacDonagh's being pointed out as aforesaid, the sergeant asked him to show his miner's right. MacDonagh said that he would, and after searching his pockets, said, "Oh! it is inside, I will find it directly." The sergeant then said, "I will give you half-an-hour to produce it; if at the end of that time you cannot find it, I will take you over to the Camp." MacDonagh not having, as *he said*, found his miner's right, the sergeant brought him to the Camp, whither

* I think this extremely unbecoming language to be used in an official report.—M.F.

whither I was absent and did not return until half-past 5 o'clock, MacDonagh having been taken into custody at a quarter past 3 o'clock. The sergeant informed me that when about to lock MacDonagh up, he (MacDonagh) said "Do not leave me here—let me stay in the barracks;" to which the sergeant consented. On my return to the Camp I was informed that MacDonagh was in the custody of the police. I asked for him to be brought to me, in order to inquire into the case. The sergeant then stated that he had received information to the effect that MacDonagh was without a miner's right, and that he was without any lawful or visible means of support, and that for these reasons he had brought him before me. I asked MacDonagh what he had to say in answer to the charge; he replied "I have a miner's right, but cannot find it." Upon this I admitted him to bail upon his own recognizance to appear and answer the charge preferred against him by the sergeant. That same evening, before leaving, he asked me to give him a miner's right. I said I will give you one, but distinctly understand me, I will not allow you to plead to the charge for which you are now admitted to bail that you have a miner's right, producing the one I now hand you. On the following morning, at the usual hour, MacDonagh's case was called on, and he having been summoned three times and not answering, I issued a warrant for his apprehension, on the ground of disobeying the summons of the previous day. About 11 a.m. on the same day, the sergeant proceeded to Turner's Hotel, where he was, and told MacDonagh his errand. MacDonagh said, "Oh! I am coming up;" to which the sergeant replied, "It is well, for your case was called on this morning, and your non-appearance is the reason of my being here." So soon as the sergeant and MacDonagh appeared, I proceeded to hear the charge of his being without a miner's right at the time of his being called upon to produce it by the sergeant. In answer to the charge MacDonagh said, "I have a miner's right, but cannot find it," and handed me a letter a copy of which appears in the statement made to you. I then said, "You do not for one moment suppose that I am going to take your *ipse dixit* in this matter. If you can bring me a man to prove that the term for which your miner's right is in force has not expired, I will take what you have said as a good defence to the charge." MacDonagh became very boisterous. I then said, that "I believe the charge preferred against you by the sergeant to be fully proved, and in accordance with the eighth section of the 20 Vict., No. 29, I order you to pay a sum of £5." MacDonagh said, that he had not got that amount about him, and asked would I give him time to procure it. I allowed him until the following morning at 10 a.m. Before going he requested a copy of the depositions, which I allowed him to take.

In conclusion, I have to state, that as the sergeant of the Kiandra police's name has been very frequently referred to in this statement, I have deemed it my duty to read to him that part of this statement which more immediately refers to MacDonagh's conviction, and have obtained from him a certificate to the effect of the truth of the above statement, which I hand inclosed.

I have, &c.,

F. A. COOPER.

The Commissioner in charge
Southern Gold Fields, Goulburn.

No. 10.

MR. P. NEWMAN to COLONIAL SECRETARY.

Police Camp, Kiandra,
15 November, 1861.

SIR,

I have the honor herewith to transmit a series of charges against the conduct of Mr. Sub-Commissioner Cooper, now stationed on these diggings, and respectfully request that an inquiry may be instituted.

I have forwarded copies to Captain Zouch, but as he may be in some distant locality, and considerable delay consequently take place, I forward them directly to you rather than through him.

I have, &c.,

P. NEWMAN,
Police Constable.

The Secretary for Lands.—C. C.—B.C., 19 Nov.

Forward to the Chief Commissioner, Southern District.—22.

Forwarded accordingly for Report of Mr. Gold Commissioner Griffin.—F. M.—B.C., 23 November,
1861.

To be returned.—S. B. W.

[Enclosure in No. 10.]

The diggings under the control of Mr. Cooper have been for a considerable time completely under mob law, against which the police force are thoroughly inefficient.

The Commissioner being the head and moving power, issuing his fiat on their movements as may suit his purposes, either to appear or keep in the background, as parties with whom he was offended got punished, viz.—Hawkins, who has already preferred complaints. The police force being ordered to absent themselves while brutal punishment was being inflicted.

That letters have passed from the Commissioner to a storekeeper closely connected with the above-mentioned mob, requesting punishment to be inflicted upon an individual who sought legal redress for what he considered the imposition of a fine not sanctioned by law.—(John Cohen.)

That

That the Commissioner employs the police force in inquiring into the private transactions of mining individuals, in order that (as may suit his purpose) charges may be preferred tending to insure their removal from the diggings, should they, by communicating facts to the public through the Press or otherwise, clash against his desires or interest; intimating at the same time how little he cared as to how the evidence was got up, provided it suited his purpose.—(W. A. Macdonagh, Fred. Cohen, and others.)

That Mr. Sub-Commissioner Cooper on or in January, 1861, walked through the diggings in a state of drunken nudity, speeching to a drunken mob, after having shouted for some thirty to five and thirty pounds' worth of champagne, which he subsequently refused paying for, threatening to fine Rawson for sly-grog selling in case he was requested to pay, and instructing the police so to do.

That Mr. Cooper, on or about the 9th day of September, at Cooma, on the occasion of the publication in the *Monaro Mercury*, of scenes on Kiandra, requested me to get some diggers then at Cooma as witnesses to beat the editor of the above-mentioned paper; he (Mr. Cooper) to give notice when such editor was about leaving the billiard-room of the Royal Hotel.

No. 11.

MR. MACDONOGH to SECRETARY FOR LANDS.

Kiandra, 16 November, 1861.

SIR,

In August last I forwarded a complaint to Mr. Commissioner Cloete, with reference to the conduct of Mr. Sub-Commissioner Cooper, to which Mr. Cloete replied, informing me he had transmitted my complaint to Mr. Cooper, for his report thereon. I am aware Mr. Cloete has arduous and varied duties, which necessarily compel him to be frequently absent, thereby causing inconvenient delay in dealing with such matters.

Of the nature of Mr. Cooper's report I am ignorant, but as a period of six weeks has elapsed since it was called for, when so many days should have sufficed, I am compelled to have recourse to you, more particularly as, since the receipt of Mr. Cloete's letter, I have been subjected to a gross and wanton outrage.

When returning to the inn where I have resided for the last twenty months, on the evening of the 13th instant, I was accosted by the sergeant of police, who demanded an account of the manner in which I was making a living, at the same instant saying, "You are my prisoner."

On remonstrating, I was forcibly driven on to the lock-up, scrupulously searched, and thrust into a cell, refused permission to see or communicate with any of my friends, and detained, with a couple of stinking blankets, a prisoner for the night.

Numerous applications were made by the principal people here for admission to bail till morning, either by cash deposit or joint security to any amount, but without avail, Mr. Cooper positively refusing to entertain the question.

Next morning I was brought before the Bench (F. A. Cooper), when a most disgraceful attempt at perverting the evidence of the witnesses was made by him, for previously arranged purposes.

Not being permitted to speak to anyone, I, at haphazard, called such witnesses from the spectators as rendered my discharge necessary.

I have no hesitation in stating that Mr. Cooper guided and directed the proceeding, acting thus maliciously malignant, under the impression (truly erroneous) that I was the writer of letters in the public press condemnatory of his conduct.

I am in a position to prove him a disgrace to the commission which he holds, and demand an inquiry into his conduct.

Bearing in mind the shifting character of a mining population, I decline forwarding other specific charges, lest by so doing, and, in the absence of witnesses, failing in proof, I should subject myself to legal proceedings, but I shall be prepared to submit them in writing to whomsoever you may depute the investigation of the several charges.

I have, &c.,

W. A. MACDONOGH.

Send this also.—26 December.

Forwarded accordingly to Commissioner Griffin, with reference to former papers on the subject. B.C., 10 December, 1861.—M.F.

To be returned.—S. B. W.

No. 12.

MR. HAWKINS to SECRETARY FOR LANDS.

Kiandra, 18 November, 1861.

SIR,

On the 2nd September last I forwarded you six charges against Mr. Cooper, the Gold Commissioner at this place. Since that time I have been enabled to discover that Mr. Cooper gave the police orders to be out of the way on the day I was assaulted, with the avowed purpose of getting me maltreated; this is a matter I can *prove*. I am still labouring under all the wrong I was at the time I then addressed you; every day increases my difficulties, and renders the proof of my charges less easy. I trust, therefore, that you will take some steps to inquire into Mr. Cooper's conduct, which is daily becoming more arbitrary and

and unjust. We (Maxwell and Co.) are being ruined by his proceedings, and the greatest undertaking on Kiandra is being sacrificed by his wilful and determined hostility. I must beg to be allowed to bring other charges against him when an inquiry is instituted here, if in the meanwhile I can procure some evidence which is at present unattainable. I make this request more particularly, because the delay in the promised investigation has already deprived me of witnesses of some importance in my previous charges.

I have, &c.,
SAML. HAWKINS.

Refer this also to Mr. Griffin.—B.C., 12th Dec., 1861.—M. F.
Mr. Hawkins informed, 12 Dec., 1861.

No. 13.

COMMISSIONER CLOETE to SECRETARY FOR LANDS.

*Gold Commissioner's Office,
Goulburn, 20 November, 1861.*

SIR,

With reference to my letter of the 11th instant, forwarding a complaint made by Mr. MacDonogh against Sub-Gold Commissioner Cooper at Kiandra, I have now the honor to enclose a further communication received from Mr. MacDonogh on the subject, in which he presses for an immediate investigation.

I have, &c.,
P. L. CLOETE,
Commissioner in charge, South-Western Gold Fields.

[Enclosure in No. 13.]

Kiandra, 13 November, 1861.

SIR,

I am in receipt of your letter of the 9th ultimo, intimating your having forwarded to Mr. Sub-Commissioner Cooper a letter of mine (10th August), complaining of his conduct, and requesting from him a full report thereon.

I was aware that important matters connected with Lambing Flat caused delay in your attending to it. I trust you will excuse my again calling your attention to the subject, more than a month having elapsed since receipt of your communication.

I am in a position to prove charges of a very gross nature, independent of any complaint with reference to myself, should an opportunity be afforded me; but by delay in the matter, I may find it difficult to produce the necessary evidence, owing to the shifting nature of a gold fields population.

Requesting the favour of your early attention,—

P. L. Cloete, Esq.,
Gold Fields Commissioner, Goulburn.

I have, &c.,
W. A. MACDONOGH.

No. 14.

UNDER SECRETARY FOR LANDS to COMMISSIONER GRIFFIN.

*Department of Lands,
Sydney, 23 November, 1861.*

SIR,

I am directed by the Secretary for Lands to transmit for your report the enclosed papers, containing charges by a Mr. MacDonogh against Mr. Sub-Commissioner Cooper, together with the explanation forwarded by that officer to Mr. Commissioner Cloete.

I have, &c.,
MICHL. FITZPATRICK.

No. 15.

UNDER SECRETARY FOR LANDS to COMMISSIONER GRIFFIN.

*Department of Lands,
Sydney, 26 November, 1861.*

SIR,

In forwarding the accompanying papers, relative to certain complaints brought against Mr. Cooper, Sub-Gold Commissioner at Kiandra, I am directed to request that, in accordance with Mr. Commissioner Cloete's suggestion (see his report of 12th instant), you will investigate the matter on the spot, and report on the same for the information of the Secretary for Lands.

I have, &c.,
MICHL. FITZPATRICK.

No. 16.

No. 16.

COMMISSIONER GRIFFIN to UNDER SECRETARY FOR LANDS.

Braidwood, 29 November, 1861.

SIR,

I have the honor to acknowledge the receipt, by this day's post, of your two letters, dated respectively 23rd and 26th November instant, Nos. 61/4192, and 61/4215, enclosing correspondence containing charges against Mr. Sub-Commissioner Cooper, of Kiandra.

2. My evidence as a witness in a case between some Europeans and Chinese—set down for hearing in the ensuing Braidwood Quarter Sessions—being required by summons, will prevent my at once proceeding to Kiandra, but I will make an investigation on the spot as soon as I possibly can.

3. I may add, that this day's post brought me two other letters, addressed to Mr. Cloote, and forwarded by that gentleman, bearing a signature like George Nullaw, dated Kiandra, 16th and 22nd November instant, containing other and fresh complaints against Mr. Sub-Commissioner Cooper.

I have, &c.,

J. H. GRIFFIN,

Gold Commissioner.

Approved.—I trust, however, that Mr. Griffin will consider the matter of Mr. Cooper as urgent.—
JOHN R.—30 Dec.

Commissioner Griffin, 7 Jan., 1862.

[Enclosure in No. 16.]

SUBPENA TO WITNESS.

In the District Court of ——— holden at Braidwood. No. of Plaintiff, 52.

Between Ah Ting, plaintiff, and John M'Grath and others, defendants.

You are required to attend at the Court House, in Braidwood, on Wednesday, the 4th day of December, 1861, at the hour of ten in the forenoon, to give evidence in the above cause on behalf of the defendants.

In default of your attendance, you will be liable to a penalty of fifty pounds, under section 68 of the Act.

Dated this 27th day of December, 1861.

JOHN GURNEY,

Registrar of the Court.

To James Herrop Griffin, Esq.

No. 17.

MR. MACDONOGH to SECRETARY FOR LANDS.

Kiandra, 4 December, 1861.

SIR,

I am this day in receipt of your letter of the 26th ultimo, acknowledging receipt of my letter complaining of the conduct of Mr. Sub-Commissioner Cooper, and intimating that it will receive due attention. Some months have elapsed since I first complained. Numerous complaints have been also made by other parties, to which similar replies have been given, but, from some inexplicable cause, no further attention paid. Impunity begets audacity, leading to results which may be obviated by timely interference. May I request the favour of your informing me if the Government purpose adopting any course with reference to the complaints against the Kiandra Commissioner, or am I to consider the due attention as having reference to futurity?

I am, &c.,

W. A. MACDONOGH.

Forwarded to Mr. Commissioner Griffin, with reference to previous paper on the subject, sent on the 13th instant. B. C., 19 December, 1861.—M.F. To be returned.—S.B.W.

No. 18.

COMMISSIONER GRIFFIN to SECRETARY FOR LANDS.

Kiandra, 9 January, 1862.

SIR,

This Petition has been handed by me to Messrs. Hawkins and MacDonogh, who do not object to the genuineness of any name attached thereto.

J. H. GRIFFIN,

Commissioner of Southern Gold Fields.

Now at Kiandra, investigating charges against Mr. Sub-Commissioner Cooper.

Submit with report, when received.—15. Mr. Griffin's report was taken by (S.) to Colonial Secretary's Office.—W. B.

Seen.—JOHN R.—15 Jan. Mr. Cooper's matter is settled by my minute of to-day.—JOHN R.—
7 Feb.

[Enclosure

[Enclosure in No. 18.]

To the Honorable John Robertson, Minister of Lands for the Colony of New South Wales.

This Petition of the undersigned Miners and others, now residing in Kiandra and its neighbourhood,—

Humbly Sheweth:—

That whereas certain complaints have been made against F. A. Cooper, Esq., Gold Commissioner in charge of this Gold Field, by parties who, because mining and other matters have been judged justly and fairly (though contrary to their ideas), have thought proper to vilify and in every way blacken the character of that gentleman.

We hereby beg to express our firm, united, and entire confidence in the integrity of purpose of F. A. Cooper, Esq., and in his constant (though at times unsuccessful) endeavours to please all concerned in the adjustment of any matters brought before him.

And we, therefore, humbly pray that you will be pleased to take into your careful and impartial consideration this public expression of confidence on the part of the majority, in contradistinction to the private and underhand attempts to damnify, on the part of some three or four persons; and that you will further be pleased so to deal with F. A. Cooper, Esq., as to prove to everyone that these petty and snake-like attacks on the capacity and good name of that gentleman have, instead of injuring him, only redounded to his honor.

And your Petitioners will ever pray, &c., &c.

THE above was adopted at a public meeting held at the "Empire Hotel," on Monday, the 6th day of January, 1862.

MR. A. J. GOULSTONE, Chairman.

[Here follow 172 Signatures.]

Michael Roche.
 Robert Heckley.
 H. Bordier.
 M. Bourke.
 George Sanders.
 Michael Duffy.
 William Boswell.
 W. Cuming.
 P. Polery.
 T. P. Smith.
 J. D. Hill.
 James Lane.
 Thomas Linch.
 John Donnell.
 Patrick Flood.
 Hugh Connell.
 Michl. Boyle.
 John Martin.
 Charles Smith.
 Henry Powell.
 Edward Wilson.
 George Montgomerye.
 Charles Botter.
 Patrick Moloney.
 Richard Bond.
 John Hawkins.
 Thos. Gray.
 James Lewis.
 James Hannelly.
 Robert Speers.
 Charles Morraze.
 John M'Clay, Jr.
 Thomas Doren.
 Patrick Hardy.
 John Grant.
 Goldschmidt.
 John Carmichael.
 Edwd. Shianick.
 T. E. Potter.
 Charles Welch.
 Edward Edwards.
 Thomas Murray.
 Jeremiah D'Arcy.
 Patrick Healy.
 William Bourke.
 Michael Stack.
 James Eastwood.
 William Evans.
 Hugh Taggart.
 Michael Boucher.
 George Morrow.
 M. Blake.
 George Simpson.
 John Heagarty.
 Michael Philips.
 Timothy Coley.
 J. Munoz.
 Hugh Devine.

John Turner.
 James Mannix.
 William Mason.
 Thomas Mason.
 John Phillips.
 P. Manus Strain.
 Morris Goldstone.
 John M'Entyre.
 James Gordon.
 Patrick O. M'Keow.
 Joseph Stev. Raels.
 Michael Jones.
 John Creasey.
 Thomas Foy.
 William Burgess.
 D. G. Haschen.
 Charles Boller.
 Jack M'Enolly.
 James Etzler.
 Patrick O'Toolc.
 Christopher Reynolds.
 Abbot Lewis.
 John Powell.
 John Fox.
 Thomas Rielly.
 W. N. Kentish.
 George Phillips.
 A. Johnson.
 Arthur J. Goulstone.
 Peter Douglass.
 Eruson.
 Wm. Geo. Marsh.
 Alex. Elder.
 John Powell.
 A. T. Gillman.
 Joseph M'Carthy.
 Edwd. Walter Wilson.
 E. S. Burrows.
 J. H. Young.
 John Bouch.
 Oswald Davis.
 Luke Bond.
 P. Cronin, managing storekeeper.
 Wm. Augustus Campbell.
 George Kellie.
 John W. Murray.
 James Hanelly.
 Hamilton Pearson.
 J. Higneal.
 James Rooter.
 Henry Myer.
 William Bullock.
 At. Defromvae.
 John M'Cartney.
 Lewis George.
 Thomas Magner.
 Joseph Jacka.

Alessandro Sarmani.
 John Mawby.
 John D. Farly.
 John M'D. Stuart.
 W. H. Day.
 H. Hansen.
 John Ferguson.
 Dr. J. J. Verschuer.
 John Perfect.
 John Iles.
 James White.
 J. Braithwait.
 James Dundass.
 Robert Crowe.
 Robert Crowe.
 Thomas Crowe.
 Benjamin Crowe.
 Alfred Crowe.
 Wm. Milford.
 F. Mortimer.
 John M. Lett.
 G. Venteman.
 Duncan Stuart.
 Patrick M'Fadden.
 Charles Mellon.
 John Mellon.
 Peter Mellon.
 Forgen Hansen.
 James Patten.
 James Boyle.
 John M. Carron.
 Barney Harkin.
 Patrick M'Carry.
 John Portane.
 William Spooner.
 Daniel Boon.
 Thomas Stevens.
 John Wilson.
 Philip Boyd.
 Edward Rawling.
 James Ward.
 George Salisbury.
 Napoleon Blartic.
 John Brekston.
 Luigi Torturolo.
 Domomio Parinoni.
 John Neill.
 Edward Bendelle.
 Ambrose Desmon.
 Richard Cuning.
 R. Forster.
 Patrick Keenan.
 Robert Sindel.
 Henry W. Jones.
 James Dixon.
 John M'Leay.
 John Martin.

No. 19.

COMMISSIONER GRIFFIN to UNDER SECRETARY FOR LANDS.

Braidwood, 15 January, 1862.

SIR,

In accordance with the instructions contained in your letter of the 27th November last, I proceeded to Kiandra as soon as possible after, for the purpose of investigating on the spot certain complaints preferred against Mr. Sub-Commissioner Cooper, and have now the honor to forward a general report on the evidence taken during the inquiry.

2. You will perceive that the complaints are of two kinds:—first, charges against Mr. Cooper as a Magistrate; secondly, those taking exception to his decisions as a Gold Commissioner;—the whole being made by five persons, viz., W. A. MacDonogh, Samuel Hawkins, Geo. Wallace, P. Newman, and P. Conway. I propose making a distinct separation under the above two heads, beginning with those having reference to Mr. Cooper's gold mining duties, as deposed by Hawkins and Wallace, not confining myself to any one charge, but dealing with the subject generally. And before doing so I may remark, that the counsel for the complainant, a barrister named Barton, in his opening case made two requests—one to introduce a newspaper reporter, the other that subpoenas should be issued making the attendance of all witnesses compulsory—to neither of which I felt myself justified in acceding, deeming the one irregular, and the other a matter over which I had no control.

3. To begin with the mining decision complained of by Hawkins. It would seem that he is one of the partners in a water race, known as Maxwell's, cut from Bullock Head Creek to New Chum Hill, and that when the cutting of this race was undertaken it was clearly understood by Maxwell that several prior rights existed, heading from the same stream. Disputes soon after arose, not only as to the gauge used in measurement, but also as to the meaning of the words "sluice head," set forth in the permits previously granted. Mr. Cooper, and the assessors whom he consulted, appear to have been of opinion that the kind of gauge to be used was not sufficiently defined in the 19th section of the Gold Fields Regulations of 1858, and decided on adopting a covered gauge box, placed near the head of each race. I know that gold miners, and even some experienced ones, hold various opinions as to the best kind of gauge, but I may state that my own practice has been to insist on the use of an open box for gauging water, my impression being, that with covered boxes pressure for the purpose of increasing the supply may be resorted to at any time, at the caprice of the holders. I do, therefore, think that Hawkins' objection to the kind of box used in determining his water disputes was well founded and reasonable. Hawkins is again at issue with the Commissioner and assessors, as to the meaning of a "sluice head" of water, and a dispute settled in Pollock's Gully by Mr. Sub-Commissioner Scott, with MacDonogh and Maxwell as assessors, was relied on as a precedent, the decision being on this occasion, that where the word "ground" was not mentioned, the water privilege should be understood as being granted for box sluice heads. Glancing at MacDonogh's evidence, who was here one of the assessors alluded to, he would appear to hold a similar opinion; but on cross-examination he states:—"A box sluice head of water is not sufficient for ground sluicing purposes," and the query naturally arises, is it reasonable to suppose that persons applied for and obtained one-half only of the quantity of water necessary for the operations they were then carrying on at the very time of the application; Mr. Cooper did not think so, and putting aside the quibble on words, interpreted the meaning of each permit so granted to be a ground sluice head, and decided accordingly. Now these permits appear to have been given by Commissioners Cloete, Lockhart, and Scott, and it would be as well perhaps to ascertain from these gentlemen what mode of gold washing was being carried on by the holders at the time of the application; for if they were ground sluicing it seems unaccountable that any less quantity of water than they could possibly work with should have been granted to them; my own opinion being, that where parties of men can prove that they have all along used and upheld their possession by continuously working one ground sluice head, no inferior right should be permitted to interfere with water supply to that extent, even though the word "ground" be omitted in the application. I apply this mode of reasoning to those applications only where one sluice head is asked for, as where two are mentioned in a permit it is possible that such a quantity might have been granted. With the intended interpretation of two box or one ground sluice head, I am particular in alluding to this matter, as the original Bullock Head Creek water-rights (about eight, I believe) are now in the hands of three or four parties; and if it is admitted that any authorized holder of a water privilege has an undoubted right to transfer to another, whether for a pecuniary consideration or not, the present holders of races on the creek in question would be legally entitled to whatever quantity of water had come into their possession in this way, leaving, in average seasons, a very small supply for so inferior a right as Maxwell and Hawkins', the present measurement in Bullock Head Creek being less than three ground sluice heads. The point now in dispute between Hawkins and these holders of prior rights becomes narrowed to this:—Were the first applicants ground sluicing at the time of the original application; and did they, before transfer, always enjoy the undisturbed possession of a ground sluice head of water? The officers then in charge of the Kiandra Gold Field could most likely give some information on the matter.

4. I do not attach much importance to the fact that Edwards, or "Speck," continued the use of a water right, in which he had all along been a partner, even though his former partners had left Kiandra. I do not think that, as a previously acknowledged partner, sharing with the others in all profit and loss, the actual holding of the original permit, in his own hands, or a transfer from his co-partners, was at all called for, the only question indeed being entire abandonment—had he, "Speck," as the last remaining representative of the partnership, ever allowed his right to lapse? The evidence does not shew this.

5.

5. Assessors were at the time of these disputes called in, under the 14th section of the 20 Vict., No. 29, the Gold Act then in force. They should have been, and I believe were, sworn "to well and truly inquire into the matter of complaint, and a true finding give, according to the evidence;" and if they permitted themselves to be prejudiced, as complained of, the accusation is not borne out by the testimony of any of those examined on oath during the late investigation; and I must confess my inability to realize the impropriety insinuated in the charge that "Mr. Cooper habitually sat and conferred with the assessors during the deliberation of their verdict.

6. To proceed with Hawkins' charges: He states that a complaint was made by Taggart and Yates, in August last, that he (Hawkins) was using the water of some springs, to which complainants were entitled. The facts seem these:—Maxwell and Hawkins, in cutting their race, took the line across some springs feeding a prior water right—whether Edwards' or Taggart's is immaterial (as the inferior rights must give way in succession); and it is usual, in cases of the kind, to flume or pass the race over any water that would, in its natural course, supply a prior right. This was not done, and a dispute occurring, the Commissioner and assessors are called in. They seem to have given a loose verbal order to cut away Hawkins' race; the men executing it take advantage of its vagueness, and do so at a spot of their own choosing, and some distance lower down than where the race intercepts the springs, using Hawkins' race as a means of conveying this spring water to the spot they wish—and, in fact, to that extent, profiting by his labour. This proceeding was most unjustifiable, and whether brought about, as Mr. Cooper says, by a "mistake," or, as Hawkins alleges, by a "desire to inflict annoyances upon him," gives the latter good reason for complaint. Again, at another time Hawkins charges the Commissioner with having, on the 6th August last, given a written order, to use his own words, "vexatious, absurd, and impossible to be carried out." A copy of the order was produced and sworn to as correct, Shinnick—one of Mr. Cooper's witnesses—admitting it to be a true copy, but stating that he told Maxwell, one of Hawkins' partners, that there was an error in the order at the time of presenting it. Hawkins says it was protested against by his party, and that Mr. Cooper paid no attention to the protest. I cannot understand this, as up to the period of the investigation Mr. Cooper seems to have been labouring under some misconception about this order. It is, however, clear that Shinnick presented it to Maxwell, who believed it genuine, and acted upon it, at the time knowing that its wording, as designated by Hawkins, was "vexatious, absurd, and impossible to be carried out;" and I cannot see that Mr. Cooper's carelessness even is to be excused in this matter, as it was by no means improbable that the receipt of such an order by Hawkins' party, considering the ill-feeling that now existed, would greatly tend to fasten the charge of "vexatious motives" having actuated Mr. Cooper in giving the order produced his sanction.

7. A gold miner, named George Wallace, is another complainant against Mr. Cooper. He states that in June last he and one Verscheur held an amalgamated claim in the bed and bank of the Euoumbene River. A dispute arose with one Collins, and was gone into before Mr. Cooper and two assessors. A decision was given in favour of Wallace and Verscheur, but the Commissioner insisted on measuring the claim so amalgamated; and it is sought to be proved that such measurement is unusual, unless requested by the parties disputing. The ground was measured, and a wheel race, which Wallace had always imagined a portion of his claim, was found to be beyond the line, and the ground in excess given to Collins. Now, measuring claims without being requested to do so may be, as Wallace says, "unusual," but I see nothing to prevent any authorized officer from measuring any claim he pleases, at any time, on any gold field, at his discretion. In this case it is not attempted to be denied, that after the measurement complained of, Wallace did not get all the ground he was entitled to; but there is no doubt that Verscheur, his partner, finding he could not obtain more than 160 feet, did, in disgust, retire from the claim. Wallace further complains that an unfair preference was shown to one Collins, in the matter of pre-dating a water right, at the same time admitting that he has suffered no inconvenience or loss from want of water; the sole annoyance being, that Collins' head race passed through his (Wallace's) ground. The general working of gold fields would be at an end if both head and tail races, subject to equitable rules, were not permitted to pass through the claims of others. Taking Wallace's own view of his mining disputes, therefore, I cannot see that he has been unjustly treated by Mr. Cooper.

8. Both Hawkins and Wallace felt themselves aggrieved at the hearing their disputes in one of the rooms of a public-house. The reasons urged by Mr. Cooper, "That the depth of snow and general inclement weather then prevailing, rendered a hearing on the spot difficult, dangerous, and even impossible," seem good and sufficient, and an admission is made that latterly this evil was cured by the attendance of the disputants at the Police Camp.

In concluding my remarks on the above charges brought against Mr. Cooper in the performance of his gold fields duties, I am of opinion that the strongest points supported by evidence in those made by Hawkins are, the kind of gauge used for measuring in the water disputes, the fine, and loose verbal order resulting in the cutting of Hawkins' race at a spot not intended, and the written order—copy produced, and not denied by Shinnick—in obedience of which, water was turned out at the head of Hawkins' race, which could not in any way be available to the persons complaining. Bearing in mind that after all, the most important feature in Hawkins' charge, as having reference to his future use of the water of Bullock Head Creek, is this: The meaning of the words sluice head as originally granted, and the equitable construction to be put on that meaning, if the original holders were actually ground sluicing at that time. This information could be readily obtained from the Commissioners then acting at Kiandra.

9. The remaining charges are directed against Mr. Cooper more especially as a Magistrate, and include severe censure on the whole police force stationed at Kiandra. Some of these charges are of a grave and serious nature, and should, in my opinion, have been submitted to a Court of law, in the shape of an action, rather than to the report of a non-professional person like myself. And it must be understood that my remarks, in each case, apply only to my own experience as a Magistrate, in interpreting the meaning of the different Acts of Council said to have been infringed by Mr. Cooper and the acting sergeant of police. Hawkins swears that after the publication of certain letters in the newspapers, reflecting on Mr. Cooper, he was assaulted more than once, and subjected to a series of intimidations by the members of a "mob," whose acts, he declares, if not immediately participated in and sanctioned by Mr. Cooper and the constables, were at least connived at by a "keeping out of the way" and "non-interference" of the proper officers, while the most brutal assaults were being perpetrated by them (the mob). He adds, that he asked Mr. Cooper on one occasion for "protection," who at once desired a constable to see that he (Hawkins) was not interfered with; and again Hawkins says:—"I was in dread of my life, I went about armed, and have been afraid to make complaint against any individual of this mob." On the other hand, a number of persons are produced, showing that Kiandra has been as orderly as most other diggings, that no system of intimidation was practised, and no necessity existed for individuals going about armed. One witness, a man named Sindel, well known as a storekeeper and gold buyer, swears he was about at all hours, in all directions, following his avocation of gold buying at Kiandra and its neighbourhood, and that not only was he never meddled with, but that the only weapon he ever carried was a penknife for cutting tobacco. All this, coupled with the fact that Hawkins did not make direct charges to Mr. Cooper against any one of his intimidators or assaulters, entitle this portion of his charges to be considered as mere assertion without proof.

10. George Wallace, in initiating his second charge, says that a man named Collins assaulted him at the beginning of November last; Collins was then brought up before Mr. Cooper and bound over to keep the peace for six months, and one month after, while still so bound to keep the peace, Collins again assaults Wallace. This second assault is complained of, and a warrant asked for, which is refused, but a summons offered; and Wallace is also told that one Magistrate cannot deal with a case of common assault. The course here pursued by Mr. Cooper did not, in my opinion, meet the urgency of the case. If he believed that Collins, at the time of this second attack on Wallace, had treated the former binding over with contempt, it was his duty to have at once had him taken into custody, and ordered to find new sureties. This Collins' breach of faith to his previous bail would have rendered a difficult matter, and it is highly probable Collins' committal to gaol for want of sureties would have been the result. Collins has left Kiandra, his first recognizances have not been estreated, and no steps seem to have been taken in this second assault, although Wallace still swears that it took place; and the evidence of one Speers is corroborative, as far as seeing Collins and Wallace struggling on the ground. Wallace adds, that he was severely injured on this second occasion. This is not borne out by the testimony of his medical attendant, Verscheur, who, on the contrary, ridicules the idea of injury—simply prescribing a glass of brandy and sending him to bed. This attempt to prove too much, renders the whole of Wallace's statement liable to doubt.

11. James Conway, another complainant, states that he was apprehended at Kiandra without warrant, refused bail, remanded to Melbourne, and not allowed to ride his own horse when escorted along the road. He admits that a warrant was out for his apprehension, as a deserter from the Melbourne Police Force. I believe it is not unusual to apprehend persons when warrants are issued against them, even without the form of warrant in hand; the refusing the use of the horse and bail would be discretionary with the Magistrate. A statement appears in this case to have been made to Mr. Cooper by the lock-up keeper at Kiandra, to the effect that two drunken associates of Conway's had attempted the rescue of the latter on a certain night. In cross-examination this lock-up keeper says:—"The sergeant was present on the night I allude to; he took no notice of the two men; they went away; no steps were taken to punish them." I am, therefore, inclined to place little reliance on the lock-up keeper's statement, leaving it to persons more conversant with the law of bail, as to whether Mr. Cooper was right or wrong in not granting it in this case.

12. The eight charges embodied in the complaint of Newman will be best understood by a reference to the evidence taken. Newman was a constable for some time at Kiandra; the misdoings of Mr. Cooper, which he complains of, all took place while he was a constable, and according to his own statement, the trusted confidant of Mr. Cooper. A misunderstanding takes place; Mr. Cooper thinks he has power to suspend constables, and does suspend Newman, who, having fallen into disgrace, at once turns round and lays these complaints, apparently on purely moral grounds. Such motives, immediately after and while still smarting under recent suspension, I can make no comment on, merely, in conclusion, referring to the fact, that an inquiry held lately by one of the Assistant Superintendents of Southern Patrol, has resulted in Newman's dismissal from the force.

13. The remaining charges are those of W. A. MacDonogh, who says, on oath, that on the 29th July last, he was arrested by Foley, the sergeant at Kiandra, for not having a miner's right, and detained in custody at the camp until Mr. Cooper's arrival in the evening, and was released on the understanding that he should appear at ten the next morning. He did not appear until eleven or soon after. Mr. Cooper had then issued a warrant to ensure his attendance. MacDonogh is soon after arrested on this warrant, and the case is gone into before Mr. Cooper; the defendant, MacDonogh, being fined £5—the highest penalty—or one month's imprisonment with hard labour. The depositions taken at the time do not show the latter part of this sentence. The fine, however, is eventually paid—the miner's right not having

having been produced. On the 13th November, MacDonogh is again arrested on the charge of vagrancy; the person arresting is again Sergeant Foley; he (MacDonogh) is on this occasion confined in the lock-up all night, and searched and stripped of his property, a watch, &c.; after an examination in the morning, Mr. Cooper reserves some point for a week, and MacDonogh is ordered to appear again at the expiration of that time. He does so; his property is then given up to him, and he is told the evidence against him is insufficient to convict him. MacDonogh swears that the only provocation he had ever given was commenting rather freely, in the course of conversation, on Mr. Cooper's conduct in bringing a number of Chinese to the Camp, to insure their taking out miners' rights, and confining some of their number in the lock-up for not being in possession of the right to dig for gold. However, with or without provocation, the zeal of all parties concerned in these two cases, whether Commissioner or constable, seems to have completely outrun their discretion. I am aware that perhaps there is no Act so often misinterpreted by young and inexperienced Magistrates as the Vagrant Act, and that Mr. Cooper is not singular in accommodating its clauses to purposes for which it was never intended; but I have no hesitation in saying that the arrest under the 20th Vict., No. 29, for not having a miner's right, and the subsequent treatment of MacDonogh as a vagrant, were both—if not entirely illegal—improper, harsh, and uncalled for. Mr. Cooper it is true did not in either case arrest personally, but the constable doing so does not in either instance appear to have been told that he was exceeding his duty, and reprimanded accordingly; and this being the case, it was very natural that MacDonogh should have associated Mr. Cooper as participating in the harshness of the whole proceedings to which he was subjected, especially those under a section of the Vagrant Act tending to degrade any man as much in his own esteem as in public opinion.

14. I have confined my remarks in this report to those charges chiefly which have been borne out or partially corroborated by evidence. There are others—the affair at Cracencac, and the subsequent offer of a bribe of £50 by one Onyons, for connivance at his escape from custody. The first happened twelve months since, and had nothing directly to do with either of Mr. Cooper's accusers, and I much question the wisdom of raking up these past offences to increase the present catalogue of grievances. Onyons himself was not produced, and the offer of a bribe of the kind for the purpose named could only probably be substantiated by his evidence. The assertion, that these various alleged doings of Mr. Cooper were inconsistent with his position as a Magistrate and a gentleman, must be left to unprejudiced opinion, after a careful perusal of the whole evidence; but I am inclined to think that inexperience had more to do with the matters complained of, than a desire to gratify vindictive and malicious feeling.

15. I may, in conclusion, state that the unavoidable delay from the first laying of these complaints to the holding of the late investigation has tended greatly to increase the ill-feeling of all parties concerned; and it will be seen that the charges now laid have multiplied, rather than not, since the original letters accusing Mr. Cooper of misconduct were written.

I have, &c.,
 J. H. GRIFFIN,
 Commissioner in charge of Southern Gold Fields.

[Enclosure 1 in No. 19.]

This deponent, *George Wallace*, on oath states as follows:—I am the holder of a miner's right; I live at Kiandra; I remember writing a letter to Mr. Cloete, the Commissioner in charge of the Southern Gold Fields; it is now shown to me, dated Kiandra, 16 November, 1861, and marked No. 1; I wrote another to Mr. Commissioner Griffin, marked No. 2, and I now hand in a third, dated 2nd January, 1862, marked No. 3; in these letters I make two distinct charges, one against Mr. Cooper as a Magistrate, and another against his conduct as a Commissioner, in settling disputes; on or about the end of October or beginning of November last, I preferred a charge of assault before Mr. Cooper, at Kiandra, against a man named Collins; there was no other Magistrate on the Bench; the case was dismissed; Mr. Cooper informed me that it required a second Magistrate; Collins was bound over on this occasion before I left the Court House, himself in £50, and one Duffy in two twenty-fives; Collins was bound over to keep the peace for six months, and about one month after, and while he was still bound over, he assaulted me again; he knocked me down and kicked me; I applied to Mr. Cooper at once for a warrant, knowing that Collins was bound over; Mr. Cooper refused me a warrant, saying he saw no marks of violence on me; I showed him a cut on my head, and blood on my hat and coat; he offered me a summons; I told Mr. Cooper that Collins was leaving Kiandra; he said that even if he granted a summons, he could do nothing without a second Magistrate.

Cross-examined by Mr. Cooper:—A man named Speers was within sight when Collins assaulted me a second time.

GEORGE WALLACE.

Sworn before me at Kiandra, this }
 2nd day of January, 1862. }
 J. H. GRIFFIN, J.P.

Kiandra, 16 November, 1861.

Sir,
 I and many here would really wish you would investigate into decisions and acts of our Sub-Commissioner, Mr. Cooper. I was nearly drowned one morning, and struck with a pick while under water, and smote with stones when almost helpless; and to oblige a friend, he allowed that person to go at large. Please call for the depositions, Wallace by Collins, 30th October. He also allows Collins to jump my wheel race and tail race, and one-fourth of the miner's claim which he granted a permit for; and after a claim was put in at great expense, and the men in, he also gave me and the parties who amalgamate with me, a note to work with two men for each claim for fourteen days, and ere five days was up he said, "If you do not put in eight men your claim will be jumped." He granted

a water right to my mates on the 5th, and we are sure there was no previous one; but to oblige a friend he grants one to be before ours, viz., on the 3rd, and that day was Sunday. Our claims are large, and labour and capital required to open is very heavy; and we require a Commissioner that no faction will bind, as Mr. Cooper is really bound. I could state many such cases of others, but I can assure you I have enough now to look after myself and party. More particulars if required.

Yours truly,
 Mr. Gold Commissioner Cloete. GEORGE WALLACE, Miner.

Some of my acquaintances are going thirty or forty miles into the wilderness to open up a large extent of auriferous country. They start in three or four weeks from this date. I will send you early particulars if they allow it, and you wish.—G. W.

Kiadra, 30 November, 1861.

Sir,

It is reported that you are coming up here to see into mining matters, and to inquire into the way that justice has been administered here this some time back. If you are, I would for God's sake say, come quickly. I have been nearly killed this day by a person bound over to keep the peace, and am denied justice or a warrant.

A young man and his sister were last night obliged to leave their dwelling for safety, and this day their house was attacked and the fence torn down, and he obliged to seek shelter somewhere. Several respectable men are obliged to carry fire-arms, and the Commissioner will do nothing. Lambing Flat will be nothing to this if help does not come soon. In haste.

Mr. Gold Commissioner Griffin. GEORGE WALLACE, Miner.

Mr. Griffin,

Dear Sir,

On the 30th October, one Timothy Collins committed a violent assault upon me, the nature of which will be disclosed by the evidence on the 31st.

Mr. Cooper dismissed the charge, on the plea that he had no power to deal with it, as the more serious charge disclosed by the evidence required to be dealt with by two Magistrates, and as he did not think that Collins intended to kill me—by keeping my head under water till I was helpless, and only then laying on the pick, as some of Collins' witnesses deposed—he would dismiss it.

On a special application by me, Collins was recalled and bound over to keep the peace, himself £50, and Mr. Duffy two £25.

On the last Saturday of November I was returning from my claim, and was met by the above-named T. Collins, who, without the slightest provocation, again assaulted me in the most brutal manner, to the extent of inflicting external and internal injuries, with the effusion of blood, as the police and others can testify.

I applied to Mr. Cooper for a warrant, but he refused to interfere, and to this day justice has been denied me.

In the first case, Mr. Cooper's decision was absurd; the second exhibits gross dereliction of duty as a Magistrate; and, in truth, I solemnly declare and believe him to have acted under the combined influence of vindictiveness and the dictation of a mob to which he has attached himself, and his conduct has been marked by injustice and partiality.

And if it be true that he has allowed Mr. Duffy to withdraw his bail, I do not know what to think of him as a Magistrate.

GEORGE WALLACE.

1 January, 1862.

P.S.—The mining cases may, if possible, be postponed till some other early day you may appoint.

This deponent, *Michael Foley*, on oath, states as follows:—I am sergeant in charge at Kiandra; I know Wallace; I remember his coming to the Police Camp on an occasion after Collins was bound over to keep the peace; he said that Collins had again assaulted him; I saw no marks of violence; I did see a little blood on his face.

Cross-examined by G. Wallace:—I did not see any marks of violence on your head; I did say that I would see Collins, and make inquiries; I never said I would apprehend Collins; I did see Collins; he denied the charge of assault.

MICHAEL FOLEY.

Sworn before me, at Kiandra, this }
 2nd day of January, 1862. }
 J. H. GRIFFIN, J.P.

This deponent, *Robert Speers*, on oath, saith as follows:—I am the holder of a miner's right; I live at Kiandra; I know both Wallace and Collins; I remember some altercation between Wallace and Collins, about the end of November, on the public road between the Victoria Hotel and Carmichael's; both were struggling on the ground; I did shout out to Collins, but Collins had left off before I came up to the spot; I saw a little blood on Wallace's face.

Cross-examined by Wallace:—I never expressed to any one that you had been brutally treated by Collins; but I did say that you might have been badly treated had I not come up; I neither saw you struck nor kicked by Collins, but I saw you both struggling on the ground; I did not say that it was a d—d shame for Collins to be beating you.

ROBERT SPEERS.

Sworn before me, at Kiandra, this }
 2nd January, 1862. }
 J. H. GRIFFIN, J.P.

This deponent, *Edmond Edwards*, on oath, saith as follows:—I am the holder of a miner's right, and reside at Kiandra; I have been a gold miner for twelve years; I believe that I thoroughly understand mining for gold; I know Wallace and Collins; I remember being called on as assessor, with Richard Bond as the other assessor, to settle a dispute; the ground in dispute was in the bed of Encumbene River, at the junction of Bullock's Head Creek; the case was heard in Duffy's public-house, near the ground; we measured the ground and pegged it; we, the assessors, were present; Mr. Cooper did not put down the pegs different to the decision; the pegging the ground was merely carrying out the decision we had all arrived at; I have acted with Mr. Cooper as assessor several times; I never knew him attempt to influence the assessors; we were sworn, then acting in the case of Wallace and Collins; I should have considered myself perjured if allowing myself to be unduly influenced; Wallace expressed himself satisfied at the decision at the time.

Cross-

Cross-examined by Wallace:—Mr. Duffy paid the assessors; the decision was against Collins; some person did propose to go down and measure the ground after the decision; I don't know whether it was Mr. Cooper or not; Mr. Cooper did ask Mr. Duffy for a tape measure; Mr. Cooper desired us to measure your claim; there was more ground than you were entitled to in length; I did express surprise at pegging off your tail race; I considered the case between yourself and Collins finally settled before we left the public-house; after your claim was measured off, Collins took one next to it; you did get at the time full complement for two in ordinary claims; I never expressed surprise that you should get ordinary claims and Collins extended ones.

By Mr. Cooper:—To the best of my judgment Wallace's ground was properly measured and pegged; we marked out Collins' extended claim on his application after measuring out Wallace's; Wallace's wheel race was on the ground which we measured for Collins; it is not unusual to have races through other people's ground; they are respected by the holders of claims through which they run; I did not understand, and there was no intention on my part, that Wallace should lose the right of his ace by this measurement.

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EDMOND X EDWARDS.
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This deponent, *Richard Bond*, on oath, saith as follows:—I am the holder of a miner's right, and live at Kiandra; I have been mining eight years; I know both Wallace and Collins; I remember acting as assessor with Edmond Edwards, on a case in dispute between Collins and Wallace in the bed of the Eucumbene River; we heard the case in Duffy's public-house; we went with Mr. Commissioner Cooper, after the decision, to measure the ground; I believe the measuring the ground was a part of the decision; the ground was pegged out properly according to my belief; Wallace appeared quite satisfied; Mr. Cooper did not in any way attempt to influence me in the decision or measurement; Collins' ground was measured after Wallace's; there was a wheel race of Wallace's on the ground measured for Collins; I understood that Collins would respect Wallace's wheel race although on his (Collins') ground; Wallace expressed himself satisfied with the pegs.

Cross-examined by Wallace:—The decision was given in your favour; I don't know where the money for the assessors came from; Mr. Cooper paid me; the assessors went down, but Mr. Cooper might have asked them to go or not; I asked for a tape at Duffy's; the tape was gone; I have seen tail races jumped in Victoria.

By Mr. Cooper:—Collins did not jump Wallace's tail race.

RICHARD BOND.

Sworn before me, at Kiandra, this }
2nd January, 1862. }

J. H. GRIFFIN, J.P.

This deponent, *George Wallace*, on oath, saith as follows:—I am the holder of a miner's right, and reside at Kiandra; I have heard my letter or statement, dated 2nd January, 1862, marked No. 4, read; it is true; in June last an extended claim of 160 feet was granted to one Verscheur, in the bed of the Eucumbene River; I held at this time a bank claim adjoining, and in September we amalgamated; on the 29th October this amalgamated claim was jumped by one Collins; the matter was referred to the Commissioner, Mr. Cooper, and two assessors, Edward Edwards and Richard Bond; a decision was come to, and a portion of our amalgamated claim was taken from us, and given to Collins and party; we lost our tail race, our pump race, and our wheel race; we had to cut fresh races; on the 2nd November, and on the 5th November, our party procured a partial registration for two claims, to enable us to open our ground properly; we had a register to keep two instead of four men in each claim, employed on the claim for fourteen days; one claim registered for the 2nd, and one for the 5th; while the fourteen days' registration was still in force, I was ordered to put on the full complement of men, namely, eight, or told that my claim was "jumpable;" I was obliged to put on the men, at the loss of four men's wages, as I had no room for them just then. I further, on the 5th November, procured a water right—at least my son did, who was in our party—and as far as I knew there were none prior, but I soon after found that Collins had one dated the 3rd, making his right prior to mine; I believe that although Collins' right is dated on the 3rd, mine was prior to it, and that an unjust preference was shown, because the 3rd was on a Sunday; On reference to my statement as to a portion of our ground being lost on the 29th October, and 1st November, Collins had to pay the expenses, and the decision was against him; it was the measurement afterwards by Mr. Cooper that I complain of, after the case was decided and heard in Duffy's public-house; the weather, at times, is very severe, and I don't complain of disputes being heard in-doors, when the Commissioner and assessors know the spot.

Cross-examined by Mr. Cooper:—Edward Edwards and Richard Bond, the assessors in the case in dispute, on or about the 1st of November, were present when the ground was pegged and measured; both assisted by holding the tape-line; the assessors never said, in my hearing, that the best way was to go down and measure the ground; I don't know whether you consulted the assessors before the pegs were put down or not; in despite of the decision given at Duffy's, you measured off a portion of my claim; you did not make any reservation; when you registered for two men, each claim for fourteen days, on or about the 5th, on a Friday or Saturday, you said I was to put on the full complement of men on the following Monday, as the ground was required by others; the ground was not jumped on Monday morning, as I put on the men required; the extent of the river claim is at present 160 feet long, and my extended claim is about forty yards by forty yards; you compelled me to keep eight men on these claims; I did not see the date of Collins' water right, but Collins told you, in my presence, that it bore date of the 3rd November; I have had plenty of water always, and don't suffer any inconvenience from the prior right of Collins, except the annoyance of passing his head race through my ground; Collins' race is flumed over mine, leaving a space of fourteen feet.

GEORGE WALLACE.

Sworn before me, at Kiandra, this }
2nd January, 1862. }

J. H. GRIFFIN, J.P.

Mr. Griffin,
Sir,

2 January, 1862.

About June a permit was granted by Mr. Cooper to Dr. Verscheur to take up 160 feet of the Eucumbene River. I then held a bank claim adjoining, for the amalgamation of which claims a permit was granted in September. On the 29th October one Timothy Collins jumped the river claim; the matter was referred to arbitrators, who decided against Collins. Despite said decision Mr. Cooper immediately proceeded to the amalgamated claims, and measured the river off near one-half, and reduced the bank claim to twenty feet a man, and gave to Timothy Collins and party a double extended claim, with the whole right to our tail race, pump race, and wheel race, to the great loss to us and impossibility of working the portion of the river left us without incurring very heavy expenses, and taking up another claim to bring up the various races to drain the bed of the river.

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On the 2nd and 5th of November we procured the annexed permits; my mates then proceeded to Turmut for their families. On the 8th Mr. Cooper ordered me to put on the full complement of men, which I was compelled to do, although I had no room for them to work, thereby compelling me to incur unnecessary and heavy expenses.

On the 5th we also procured the permit for water. Collins' party wished to bring sluicing water through our claims—more to annoy us nor necessary for the working of their ground; and to enable them to do so with the semblance of right, posted on the claim a water permit, dated the 3rd November, when Mr. Cooper was on the claim on the 8th November. Now Mr. Cooper must either have dated the permit on Sunday, or Collins had altered the date to suit his purpose, and was allowed to go unpunished by Mr. Cooper.

The foregoing will show the inconsistency of Mr. Cooper's conduct, and the lengths he has gone in gratifying a potty and revengeful spirit. Under such management no gold field can prosper.

GEORGE WALLACE.

Camp, Kiandra,
3 January, 1862.

Before James Harrop Griffin, Esq., J.P., Chief Commissioner of the Southern Gold Fields, specially appointed by Government to investigate the charges made against Frederick Augustus Cooper, J. P., Sub-Gold Commissioner, Kiandra.

I, *Paul Patrick Newman*, for fifteen months a member of the Southern Patrol in New South Wales, and stationed in the District of Kiandra for upwards of six months, having forwarded to the Government various charges and accusations of and concerning the above-mentioned Frederick Augustus Cooper, and having now an opportunity of substantiating them, do hereby bring the following specific charges against him:—

1. I accuse Mr. Cooper of having, since he has been in sole charge of the Kiandra Gold Field, neglected to assert his authority as a Magistrate, and of having unlawfully and unjustly abused his powers as such Magistrate. I declare, and will prove, that since he has been in sole charge as aforesaid, law and justice have been laughed at and despised; that a lawless and ruffianly mob, composed of the very lowest class on the gold field, have held undisputed sway and authority; that this mob, unchecked by Mr. Cooper, has been in the habit of daily committing the most brutal, cowardly, and murderous assaults upon helpless and unoffending men; that these illegal acts have been committed with the knowledge and sanction of Mr. Cooper: that neither he, nor the police under his charge, have ever exerted the powers committed to them by the law for the preservation of peace or the maintenance of order.

2. I accuse Mr. Cooper of having, while I was stationed at Kiandra as aforesaid, informed me that the before-mentioned mob were about to assault and beat a miner named Samuel Hawkins, for having written a certain letter to the *Sydney Morning Herald*, complaining of Mr. Cooper's illegal acts, and of having ordered me to keep out of the way and not to interfere while the said assault and battery were being carried on; and of having, when I informed him that the said Samuel Hawkins had been beaten, laughed at it, and totally omitted to bring the offenders to punishment.

3. I accuse Mr. Cooper of having written a letter to a certain resident of Kiandra named Michael John Bourke, directing him to get certain ruffians under his influence to assault and beat a certain resident of Kiandra, named John Cohen, a jeweller, because the said John Cohen had sought legal assistance to relieve him from a fine inflicted on him by Mr. Cooper, which fine he believed to be illegal and unjust.

4. I accuse Mr. Cooper of having employed the police under his charge to spy into the private affairs of certain residents of Kiandra, who had rendered themselves obnoxious to him by their protests against his illegal conduct as a Magistrate and a Commissioner, in order that thereby charges might be trumped up against such persons, and thereby enable Mr. Cooper, acting as such Magistrate as aforesaid, to sentence such persons to lengthened imprisonment; and also of having employed his police as tools to gratify his malicious and vindictive spirit.

5. I accuse Mr. Cooper of having directed me, a policeman acting under his orders, to procure certain miners to assault and beat a certain Charles Dixon, the printer and publisher of the *Monaro Mercury*, because the said Charles Dixon had in such paper published a certain article, entitled "Scenes on Kiandra," reflecting on and ridiculing Mr. Cooper's conduct as a Magistrate and a Commissioner.

6. I accuse Mr. Cooper of having, while stationed on the Cracencac Gold Field, during the month of January, 1861, demeaned himself in a manner that must for ever deprive him of the name of gentleman.

7. I accuse Mr. Cooper of having, on the same occasion as in the last charge mentioned, been guilty of an act of deliberate fraud.

8. I accuse Mr. Cooper of having taken it upon himself to suspend me from my office as a member of the Southern Patrol aforesaid, without possessing any power or authority whatever for so doing, and purely to gratify a vindictive feeling towards me.

Finally, I, *Paul Patrick Newman*, upon my oath, make this solemn declaration:—I sincerely and conscientiously declare that I bring forward the above charges and accusations against Mr. Cooper without any malicious or vindictive feeling. It is true that Mr. Cooper, on the 2nd day of November, 1861, thought fit to suspend me, but such suspension being invalid has entailed little or no injury on me, and I conscientiously declare, that long previous to such suspension I had resolved to do what I have now done, and that it is from no wish to avenge myself that I now accuse Mr. Cooper, but solely and entirely from a sense of duty, and disgust at the infamous manner in which Mr. Cooper has abused the authority and disgraced the dignity of his position.

John James Verschuier, duly sworn, saith:—I am a duly qualified medical practitioner, in practice at Kiandra; I know Wallace; I remember his complaining of being ill; I don't remember the date; he was very much excited, and had some very trifling injury on the back of head; he also complained of some pain in the chest; his ribs were not broken; I gave him no other medicine than a glass of brandy and sent him to bed, which sent him to sleep.

By Wallace: I examined your head with a probe; you did afterwards complain of some pain in your side, and I gave you some opodeldoc to rub your side with.

By Mr. Cooper: I believe Wallace thought himself much more injured than he was; I did not put any sticking-plaster on his head.

By Mr. Griffin: Wallace is a man of temperate habits; the night in mention he was under the influence of mental excitement, not produced by drinking; he is a man of rather excitable temperament.

JOHN JAMES VERSCHUER,
General Medical Practitioner.

Sworn, this 4th January, 1862, at }
Kiandra, before me. }

J. H. GRIFFIN, J.P.

William Wallace, duly sworn, upon his oath saith:—I am a son of George Wallace; I live at Kiandra, and am a miner by trade; I remember the second time you were struck—in November it took place; I remember the sergeant coming to your house afterwards, on the same day; I heard him say he had sent two constables over to apprehend Collins; I remember your being ill that night; I heard you complain about your side for a fortnight after the assault.

WILLIAM WALLACE.

Sworn this 4th January, 1862, at }
Kiandra, before me.

J. H. GRIFFIN, J.P.

John James Verschuier, duly sworn, saith:—I am a duly qualified medical practitioner, and live at Kiandra; I have also had shares in mining claims; I have been in partnership in a mining claim with George Wallace; during the time we were in partnership I remember Mr. Cooper's being called in to settle some disputes; he settled the dispute with assessors; this was about two months since; it was settled in the bed of the Eucumbene.

By G. Wallace: The dispute was heard in the parlour of Duffy's public-house; the dispute was decided in your favour; Mr. Cooper proposed to go down to the claim to see the pegs; I did not hear him ask for a measure; I don't remember whether Mr. Cooper gave the measure to the assessors to measure the claim or not; I remember Mr. Cooper's directing the assessors where to put in the pegs; I did feel aggrieved by Mr. Cooper's directing the assessors to put pegs in there; it was with the manner of measurement I was aggrieved, as by it the amalgamation would cease; I did feel surprise at Mr. Cooper's directing the assessors to put the pegs over our tail race; I did then throw up my claim in disgust; I did so because when the ground was measured it was too small to pay for the working, although I might have had the quantity to which I was legally entitled; I did not state that I would give up the claim on account of Mr. Cooper's not doing me justice; I did think that Mr. Cooper interested himself too much in measuring out the ground, and seeing if I had the right complement of men to hold the claims for the ground marked; I told you that you made yourself too busy in other people's affairs, and about writing in the papers; I don't recollect remarks I may have made in private conversation.

By Mr. Cooper: I never told Wallace that you had said he (Wallace) should not have justice, nor did anyone inform me that you ever said so; I was present at the dispute in question; I thought you had a leaning to the other parties, from the manner in which you pressed me to satisfy you as to the number of men I employed; I showed you where to measure from; I told you to measure from the top peg; you did so; you measured me out 160 feet in the bed of the river; it is very difficult to decide which is the bed or the bank of a river; the assessors put the pegs in by your direction, and did not object to it; afterwards you pegged out an adjoining extended claim; I do recollect the party for whom the adjoining extended claim was pegged out saying, that if Wallace would not shift his wheel race they would keep him in hands for his pump, as the race would do for both; Wallace said he would not allow them to use his wheel race.

JOHN JAMES VERSCHUER,
General Medical Practitioner.

Sworn before me at Kiandra, this }
4 January, 1862.

J. H. GRIFFIN, J.P.

Paul Patrick Newman, duly sworn, deposeseth:—I have been for about fifteen months in the Southern Patrol; I have been stationed in Kiandra itself since April last; Mr. Cooper did suspend me from my duties as a policeman; I do not believe that while at Kiandra Mr. Cooper has done his best as a Magistrate and Commissioner; I know that the so-called Irish mob are in the habit of committing assaults; I can swear that Mr. Cooper has been cognizant of those assaults; I do swear that, knowing of those assaults, Mr. Cooper has done nothing to punish persons so offending; I do swear that the police under Mr. Cooper have not done their best to put a stop to those assaults; I do swear that those assaults have not been put down by Mr. Cooper's authority; I do swear that Mr. Cooper told me that this mob were about to assault Samuel Hawkins; Mr. Cooper told me to slip out of the way until Hawkins would get a good thrashing; he told me this at Carmichael's bar; I did not see that assault take place; on a former occasion I told Mr. Cooper that I saw Hawkins knocked down and kicked on the head; he said, "Are you sure?" Never, to my knowledge, did Mr. Cooper do anything to punish the offenders in the matter; he laughed when speaking to me; I only know Hawkins by sight; I did see the letter Mr. Cooper wrote to a storekeeper on Kiandra, Michael Burke; I saw the signature, and will swear to the letter; I was called and shown the letter, which read as follows:—"Dear Bourke—Get the boys to beat the old Russian; he has returned from Queanbeyan, where he has been consulting a lawyer." I am not aware whether any assault took place in consequence of that letter. It is true that Mr. Cooper has employed the police to spy into the private affairs of the people residing at Kiandra; he (Mr. Cooper) did employ me in this business; I do recollect the language Mr. Cooper used to me on such occasions; I recollect his sending a messenger over for me one night after dark, about three months ago; he told me, when I went to him, that he wanted me to go to Kidd's public-house, and ascertain whether MacDonogh had money, or was paying for his board; that he (Mr. Cooper) did not like to employ Foley (the sergeant), that he did not know how to come round such things as well as I did; I remarked to Mr. Cooper, that MacDonogh had a miner's right; Mr. Cooper said, that the mere holding a miner's right was not a sufficient protection for him—that if he had not money to pay his way, for me to bring him up, and that he would send him to gaol; Mr. Cooper then read a section of the Vagrant Act—showing what constituted a vagrant; he said also, that he had been told by a woman living at Kidd's, that MacDonogh was not able to pay his way there; I told Mr. Cooper I would attend to it, but I did not do so; MacDonogh was brought up as a vagrant about six weeks or two months after the conversation in mention; I can bring other charges to prove Mr. Cooper has used the police as tools to gratify his malice; on one occasion he directed me to watch a storekeeper, Fred. Cohen by name, that I would, if I looked out, see him coming out of Benjamin's public-house drunk, and that I was to lock him up for being drunk; that he had cheated him (Mr. Cooper) at a game of cards one night at the bank; I told him I would do so, but did not do so; I do swear that Mr. Cooper, in September last, requested me to get a lot of diggers that were at Cooma to beat Mr. Dixon (the editor of the *Monaro Mercury*), as he was coming from the billiard-room of the Royal Hotel; he asked me if I had seen an article, "Scenes on Kiandra," in the *Mercury*; I said not; immediately after, Mr. Cooper again told me to get some of the boys to beat Dixon, that he (Dixon) would that night be in the billiard-room of the Royal Hotel, and that he (Mr. Cooper) would give me word when he (Dixon) was coming out; I went to the billiard-room that night and saw Mr. Cooper there; he told me Dixon had not yet come; I do swear that I intended to bring these charges before I was suspended; my suspension gave me an opportunity of doing it sooner than I might have done, as I had leisure time; I have no vindictive spirit against Mr. Cooper.

By

By Mr. Griffin: There was but a few hours between the two assaults on Hawkins; they were committed on the same day; I never was present when Hawkins at any time complained of these assaults to Mr. Cooper; it is usual for the person assaulted to seek redress from the nearest Bench; I cannot swear that any person at any time complained to Mr. Cooper of any assault and got no redress; I was suspended about the 2nd of November; I was verbally suspended; I was suspended (as I believe) on a charge of insubordination; I did not at the time question Mr. Cooper's authority to suspend me; the person alluded to as the "the Russian" is one John Cohen.

Sworn before me, at Kiandra, }
this 4th January, 1862. }

J. H. GRIFFIN, J.P.

P. P. NEWMAN.

*William Antony MacDonogh, duly sworn, saith:—*I am a miner holding a right, and reside on Kiandra; I have lived on Kiandra about twenty-two months; from the period of Mr. Commissioner Scott's departure from Kiandra the diggings have been a constant scene of riot; there is such a party on the diggings as are known as "the Donegal mob"; I believe that Mr. Cooper was always out of the way when such scenes of riot took place, with one exception; no member of this mob participating in these riots has ever been brought up for punishment; for a period of some two hours during such riots I have seen the police looking on and not interfering; some two or three months since, after one Samuel Hawkins had attended as an interested party at Carmichael's inn to a water dispute, I saw near that inn, Hawkins assaulted by one Moriarty and two others; he was knocked down, kicked, and rolled in the mud; Sergeant Foley saw the assault from Carmichael's door, but did not interfere till afterwards; when coming up he seemed to separate them, and said, "Oh! drop that, boys," but did not take any of the parties into custody; when Hawkins ran through Carmichael's house afterwards, the other men pursued him, and were not stopped by Foley; I swear that the police have been a source of terror on the diggings; peaceable men are in bodily fear of the "Donegal mob" on the diggings; respectable men have to carry fire-arms for their protection, and that, when assaulted, appeal to Mr. Cooper or the police is quite useless; about the end of July last, at about 8 o'clock in the evening, Moriarty, whom I have mentioned, told me that the boys had had a meeting, and having heard that I intended to make complaints against Mr. Cooper, if I did so they would put me out of the way, or words to that effect; I remember a meeting being got up, I think in August, to move some vote of confidence in Mr. Cooper, which Mr. Cooper got up himself, and wrote out the resolutions himself, to which I was asked to attend, and was told that the "mob" were determined to find out the writers of certain letters in the papers, and to "cook" them; I was Clerk of Petty Sessions at Braidwood for fourteen years.

By Mr. Cooper: I resigned my office as Clerk of Petty Sessions; I dare not, for reasons of my own, name particular persons in connection with particular riots; Hawkins was assaulted after 3 o'clock, p.m., or thereabouts; it was about half an hour after a mining dispute at Carmichael's; when Foley saw the assault he walked deliberately down; I don't know if Hawkins applied to you for redress in this case; I know of no case in which persons brought before you who were guilty escaped unpunished; I know of a case in which a man charged with stealing was punished only with a light penalty under the Sydney Hamlets Police Act; you did send to consult me as to this case; you were not present when Moriarty said I would be put out of the way; it is true that respectable men are obliged to carry fire-arms on the diggings; I don't know, except from general repute, of any case in which an aggrieved person applying for redress could not obtain it; I don't know of my own knowledge of your getting up a meeting to vote a vote of confidence in you as Commissioner; I don't know of my own knowledge of your writing out the resolutions, but I speak from general repute.

By Mr. Griffin: I have never seen more than police looking on at the time of any disturbance; I do think the police could have quelled the riots if they had interfered, as they were not of such a serious nature that two men could not stop them; I have applied for a summons to Mr. Cooper in one instance, and been refused it; I made no application for a summons in Moriarty's case; I did not make a *specific* application for a summons in the case I have alluded to.

Sworn before me, at Kiandra, this }
4th January, 1862. }

J. H. GRIFFIN, J.P.

W. A. MACDONOGH.

This deponent, *Samuel Hawkins*, on oath, saith as follows:—I am the holder of a miner's right, and reside at Kiandra; I have been living there for sixteen months; it is true that a mob does exist at Kiandra, and intimidates peaceable people; people are in danger of their lives, and are obliged to carry fire-arms for their protection; I myself have been violently assaulted by members of this mob, on more than one occasion; I have been obliged to go about armed; I did, in the first instance, appeal to Mr. Commissioner Cooper; Mr. Cooper referred me to the police; they (the police) were never any protection to me.

By Mr. Cooper: I have been assaulted four times altogether; I did apply to you, in a billiard-room; you referred me to the police; I did not again complain to you of any assault; I remember during the settlement of a mining dispute at Carmichael's inn, that I was assaulted, not in your presence; you did desire a constable to see that no one interfered with me; I went from Carmichael's up to New Chum Hill; no one assaulted me on the road; I was assaulted on the same evening, a little before dark; I did not report that assault to you; I reside at New Chum Hill.

Sworn before me, at Kiandra, this }
4th January, 1862. }

J. H. GRIFFIN, J.P.

SAM'L. HAWKINS.

This deponent, *John Carmichael*, on oath, saith as follows:—I am a publican, and have been residing at Kiandra for nearly two years; I believe that Mr. Commissioner Cooper has always, while at Kiandra, endeavoured to keep peace and order, and done his duty as a Magistrate and Commissioner while at Kiandra; I never knew any assault committed in his presence without his interfering; I have had good opportunities of judging; the diggings here have not been a scene of riot since Mr. Commissioner Scott's absence; I have never heard Mr. Cooper taxed with any unjust act as a Magistrate, except by MacDonogh and Wallace; scenes of riot and disorder could not take place or exist without my knowledge; I never saw the police look on at rows and not interfere; they have always acted whenever I have asked them; I never knew Mr. Cooper refuse to do justice to any man; I have had much experience for nearly thirteen years on diggings, and I believe Kiandra is as orderly as any other diggings.

By Mr. Barton (Counsel for Complainant): Mr. Cooper has not spent £1 at my bar since the opening of my licensed inn; I have seen assaults take place in my licensed house; I saw Hawkins once assaulted, gently; it was the only occasion I ever saw him assaulted; assaults are not of frequent occurrence

occurrence on Kiandra; I know of no class of men, and never did, who are in the habit of assaulting people; I am not aware that the police are the intimate friends of persons assaulting others; no man requires a revolver at Kiandra for self-protection, or need carry one.

JOHN CARMICHAEL.

Sworn before me, at Kiandra, this }
4th January, 1862. }

J. H. GRIFFIN, J.P.

This deponent, *Robert Sindel*, on oath, saith as follows:—I am a storekeeper, and reside at Kiandra; I have been living here for nineteen months; I had branch stores on all the diggings about; I have had opportunities of judging, being constantly about, as to the good order on Kiandra; I have travelled at all times with large amounts, gold and money, on my person; the only weapon I ever carried was a penknife, for cutting tobacco; I can speak to Mr. Commissioner Cooper's conduct as most obliging at all times as a Commissioner, and I never knew him to do any act, while at Kiandra, unbecoming a Magistrate and a gentleman; I never knew of any assault committed when you or the police were present, and not interfere; I never saw anyone on the diggings about Kiandra molested, except in their cups, when drinking; I never had any apprehension of my property being insecure at Kiandra.

By Mr. Barton (Counsel for Complainant):—I reside in the centre of Kiandra; I never saw any brutal assault committed; I believe that the property and life of every sober man on Kiandra is perfectly safe.

ROBERT SINDEL.

Sworn before me, at Kiandra, this }
4th January, 1862. }

J. H. GRIFFIN, J.P.

This deponent, *Luke Bond*, on oath, saith as follows:—I am a publican, and reside at Kiandra; I have lived here for twenty-two months; I know of no parties who have applied to Mr. Cooper for justice and been denied it; I have always seen the Kiandra police endeavour to stop and prevent any row they saw; I never saw or knew of Mr. Cooper being present at any assault or row, and not interfere; I have had eight years' mining experience; I have been on gold fields in Victoria where more order has been kept; I think that, as a Magistrate and Commissioner, Mr. Cooper has done his best to preserve order at Kiandra.

LUKE BOND.

Sworn before me, at Kiandra, this }
6th January, 1862. }

J. H. GRIFFIN, J.P.

This deponent, *Michael John Bourke*, on oath, saith as follows:—I am a storekeeper, and reside at Kiandra; I have resided there nearly two years; I never received any letter from Mr. Cooper at any time during that period; Mr. Cooper never at any time instructed me to procure the services of a mob to thrash an individual known as "the Russian," or John Cohen; I have been on friendly terms with Constable Newman; I recommended him twice to the Government for promotion; I have been intimate with Newman.

By Mr. Barton:—I swear that I never said that I would swear anything for Mr. Cooper; I have been called in the public streets "the Commissioner's tool;" I have never been the leader of a mob known as the "Irish mob."

his
MICHAEL JOHN X BOURKE.
mark.

Sworn before me, at Kiandra, this }
6th January, 1862. }

J. H. GRIFFIN, J.P.

This deponent, *Michael Foley*, on oath, saith as follows:—I am acting-sergeant of the Kiandra foot police; I have been eighteen months in this district, and the seven last months at Kiandra itself; I know a man named Samuel Hawkins; I never saw him assaulted; I once saw a mob round him, and I at once interfered; I never saw him struck; Mr. Cooper never told me to slip out of the way while Hawkins was being thrashed; if Mr. Cooper had given such an order to any of the police I must have known it; Mr. Cooper has, on several occasions, told me to put a stop to all rows; Mr. Cooper has always told me to stop rows; Mr. Cooper has never at any time asked me to spy into people's private affairs at Kiandra; I have never been employed by Mr. Cooper as a tool, to gratify his private malice; Mr. Cooper never asked me to watch Fred. Cohen; Mr. Cooper never set me as a spy on anyone at Kiandra.

MICHAEL FOLEY.

Sworn before me, at Kiandra, this }
6th January, 1862. }

J. H. GRIFFIN, J.P.

This deponent, *Thomas Quirk*, on oath, saith as follows:—I am constable in the foot patrol stationed at Kiandra; I have been here nearly eighteen months; I know a man named Samuel Hawkins; I never saw him assaulted; Mr. Cooper never told me to get out of the way when Hawkins was assaulted; Mr. Cooper has told me to see that Hawkins was not molested, and if so, to arrest anyone that did molest him; Mr. Cooper never employed me to spy into the private affairs of the Kiandra miners; Mr. Cooper never told me to slip out of the way when anyone was being assaulted.

By Mr. Barton: I never heard any joke among the policemen about the absurdity of Mr. Cooper ordering the police, in a loud voice, to look after Hawkins, and after telling them quietly to slip out of the way; I swear I never heard M'Carty, in particular, make such jokes; I swear that I never told anyone that Mr. Cooper told me to look after Hawkins, and then to slip out of the way.

THOMAS QUIRK.

Sworn before me, at Kiandra, }
this 6th January, 1862. }

J. H. GRIFFIN, J.P.

This deponent, *Charles Welch*, on oath, saith as follows:—I am the holder of a miner's right; I have lived at Kiandra for two years; I remember being at Cooma on the September Assizes; I went down as a witness on the case; I know Constable Newman; I saw him at Cooma then; I had some conversation with Newman about a person named Dixon, the editor of the *Monaro Mercury*; a letter had appeared about that time, speaking of the Kiandra Donegal mob; Constable Newman read the letter from the paper to myself and two Donegal men; Newman said parts of the letter were not true; I was called in the letter a "perjurious fiddle;" Newman remarked that it would serve him (Dixon) right to give him a good thrashing; I said I would go and see Mr. Cooper first, to see if I could enter an action against Dixon; Mr. Cooper told me I could do nothing in the matter; Mr. Cooper said nothing more; I then again saw Newman opposite Ward's bar door; Newman, finding I could do nothing, proposed that we should get hold of Dixon by knocking at his door, and when we got him out to beat him, or hoot him—that is, to kick him; Dixon was searched for, but not found; I remarked that we might get into trouble with the police at Cooma, but Newman said we could put them a-oneside; this was all arranged in the street; Mr. Cooper was not present; I know of no Irish mob, except Newman, MacDonogh, and a man named Mitchell, at Kiandra.

CHARLES WELCH.

Sworn before me, at Kiandra, }
this 6th January, 1862. }

J. H. GRIFFIN, J.P.

This deponent, *Thomas Lynch*, on oath, saith as follows:—I am the holder of a miner's right, and have lived at Kiandra about two years; I remember Constable Newman coming to my tent some time since; he had just returned from Cooma, where there were some cases against the Chinese; Newman sent me down to Carmichael's for a bottle of grog; I brought the grog to my tent, when Newman told me that Dixon, the editor of the *Monaro Mercury*, was coming up soon, and to get some of the chaps and give him a good tanning; a man named D'Arcy, and two men now in New Zealand, were present; Constable Newman, now present, is the same man that was in my tent that night.

his
THOMAS X LYNCH.
mark.

Sworn before me, at Kiandra, }
this 6th January, 1862. }

J. H. GRIFFIN, J.P.

This deponent, *Jeremiah D'Arcy*, being duly sworn, deposes:—I am the holder of a miner's right, and have lived at Kiandra for twenty months; I remember some Chinese being tried at Cooma about four months since; I know Constable Newman; I remember, about this time, that my mate, Thomas Lynch, told me in Carmichael's public-house that Newman had sent for me; I then went to my mate's hut, and saw Newman there; it was after dark; I welcomed Newman, and shook hands with him; Newman told me that he and the five witnesses in the Chinese case were looking for Dixon, to beat him, in Cooma, and added that Dixon would soon be in Kiandra, and that he was a damned scoundrel, and we were to beat him for letters that had appeared about the Donegal mob; I don't know of any mob at Kiandra; drunken squabbles are the most I have seen at Kiandra.

By Mr. Barton: I don't think that the Chinese would have been killed even if Newman had not been present, at the time of the row; I believe they would have been assaulted; Newman was the only constable present.

JEREMIAH D'ARCY.

Sworn before me, at Kiandra, }
this 6th January, 1862. }

J. H. GRIFFIN, J.P.

Comp, Kiandra,
6 January, 1862.

Before James Harrop Griffin, Esq., J.P., Chief Commissioner of the Southern Gold Fields, specially appointed by Government to investigate the charges made against Frederick Augustus Cooper, J.P., Sub Gold Commissioner, Kiandra.

I, Samuel Hawkins, for nine years a miner on the Australian Gold Fields, and for the last sixteen months a resident of Kiandra, having forwarded to the Government various charges against the above-mentioned Frederick Augustus Cooper, and having at length an opportunity afforded me of publicly confirming them, do hereby bring the following specific charges against him:—

No gauge.

1. I charge Mr. Cooper with having, in direct violation of the provisions of the Gold Fields Regulations, neglected and refused to direct certain miners, possessing priority of right, and complaining of shortness of water, to measure their supply by a gauge, when called upon to do so by the holders of conflicting rights, and allowing to pass for a legal and proper gauge that which was no gauge at all.

No permit or transfer.

2. I charge Mr. Cooper with having, in direct violation of the provisions aforesaid, allowed a miner to hold a water privilege, without a permit for the same, or any transfer of a permit; and to use such water to the detriment and injury of other miners legally entitled to the same.

Fined for order not communicated.

3. I charge Mr. Cooper with having inflicted on myself and my partners a fine, for not having obeyed an alleged order made by him, although such order had never been communicated to us.

Assessor partner of plaintiff.

4. I charge Mr. Cooper with having carried into effect a decision made by two assessors, although it was made known to him that one of such assessors was a partner of the plaintiff.

Order reversed.

5. I charge Mr. Cooper with having carried into execution an order made by him, notwithstanding such order had been reversed by his superior officer, Mr. Commissioner Scott, and such reversal had been duly notified to him.

Order impossible.

6. I charge Mr. Cooper with having made an order vexatious, absurd, and impossible to be carried out, to wit, that I and my partners should turn the water out at the head of our race, in order to let it flow into the head of another race, to do which would require us to reverse the natural flow of water in a creek; all explanation on our part being superciliously rejected.

Refusing adjournment.

7. I charge Mr. Cooper with having refused to grant an adjournment of a trial, in which I and my partners were defendants, in order to obtain necessary and indispensable witnesses, notwithstanding the expressed desire of one of the assessors that such adjournment should be granted.

Courts in public-house.

8. I charge Mr. Cooper with having habitually heard and decided mining cases in a public-house, without any reason or necessity for so doing; with having kept no record of cases decided, orders made, or damages awarded; and when the said public-house was the daily resort of the members of a notorious mob, who unrestrainedly intimidated the peaceful portion of the community.

Prejudiced assessors.

9. I charge Mr. Cooper with having, in mining cases in which I was concerned, selected assessors whom he knew were bitterly prejudiced against me.

Conferring with assessors.

10. I charge Mr. Cooper with having habitually sat with, and conferred with, the assessors during the deliberation of their verdict.

11. I charge Mr. Cooper with having vexatiously and needlessly summoned me to appear before him on unfounded charges, knowing at the time that I was in no way interested or concerned in such charges.

Vexatious summons.

12. I charge Mr. Cooper with having refused me protection when I was in personal danger, and requested such protection; with having sanctioned and allowed, if not instigated, a succession of brutal assaults to be made upon me by a ruffianly mob, two of which assaults took place in the bar room of a public-house to which he had summoned me; and with having directed the police to get out of the way, as the mob were about to attack me; and I declare that Mr. Cooper, in his evidence on the recent hearing of a certain indictment for libel, filed by him against one Dixon, of Cooma, was guilty of corrupt and wilful perjury.

Assaults.
Perjury.

13. I charge Mr. Cooper with having neither maintained, nor endeavoured to maintain, any check or control over his police; with sanctioning and allowing, and frequently instigating, the commission by them of grossly illegal acts, to wit, of arresting and dragging to the lock-up without warrant, and on unfounded charges; of breaking into private houses on frivolous pretexts, and of allowing murderous assaults to be committed in the open street, and in broad daylight, without the slightest interference on their part; and I declare that the police, instead of being a source of protection to the peaceable and well-disposed, are a source of terror and of dread; and that they are, notoriously, the aiders and abettors of a lawless mob, whose hitherto uninterrupted career of brutality has been the disgrace and ruin of Kiandra.

Police.

14. I charge Mr. Cooper with having, during his administration of the Kiandra Gold Field, habitually aided and abetted a mob of lawless ruffians, commonly known as the "Irish mob," who have long been notorious in Kiandra for their wanton violations of the law and incessant breaches of the peace; who have openly avowed themselves the partisans and defenders of Mr. Cooper; who have not only threatened to assault, but have actually assaulted, persons who have presumed to question the legality of Mr. Cooper's proceedings; who have been guilty of almost daily assaults; who have never been interfered with in their unlawful acts by the police, or brought up for trial before Mr. Cooper. And I declare that these men, knowing they have the sanction of Mr. Cooper and the police, exercise great intimidation over peaceable and respectable miners and others; that life itself is scarcely safe amongst them, and that a revolver has become a necessary part of daily attire. In a word, that the law has been laid aside, and mobbism has reigned triumphant.

"The mob."

15. Lastly, I charge Mr. Cooper with having, by a series of illegal and unjust decisions in cases involving mining law, deprived myself and my partners of the benefit of ten months' incessant labour in the construction of a race, which entailed an expenditure of little less than £2,000, and which was completed in the face of great natural difficulties, by refusing to allow us to hold and enjoy the water to which we were by law entitled, and by granting such water to others—whereby we have been brought to the verge of absolute ruin; and I accuse Mr. Cooper of having been actuated in his conduct towards me by a spirit of malice and vindictiveness, unworthy of a gentleman, and disgraceful to a Magistrate.

Injury inflicted.
Vindictiveness.

The foregoing charges, so far as they relate to questions of mining law, originate in and are proved by, the following cases:—

CASE 1.—29 July, 1861.—Complaint was made to Mr. Cooper by two miners, named Yates and Taggart, that their supply of water was insufficient, and calling upon us to supply the deficiency. The complainants had no gauge. Mr. Cooper, having selected two assessors, decided that we should turn out two and a half inches of water at the head of our race. We complied.

Yates & Taggart v. Maxwell. Assessors—Speck & Young.

CASE 2.—31 July.—Complaint was again made to Mr. Cooper by the same parties, that their supply of water was still insufficient, and again calling upon us to supply the deficiency. They alleged that although their permit specified two sluice heads, they had, in their application for a permit, asked for two ground sluice heads. The complainants had no gauge. Mr. Cooper, having selected two assessors, decided that two sluice heads meant two ground sluice heads, and ordered us to turn out all the water at the head of our race. We complied.

Yates & Taggart v. Maxwell. Assessors—Burrows & Moriarty.

CASE 3.—1 August.—I informed Mr. Cooper that a miner, named Speck, was using water to our prejudice, without holding any permit for the use of water, or any transfer of a permit. I requested Mr. Cooper to call upon the said Speck to prove his right to the use of water, and, in the event of his doing so, to place the legal gauge at the head of his race, as directed by the Regulations. Speck was present at the Camp when I made these demands, and he thereupon admitted that he held neither permit nor transfer; but pleaded that he was formerly a partner of certain miners who cut the race, and who held permits, but who never transferred them to Speck. These men had abandoned the race for several weeks. Mr. Cooper decided that Speck should continue to use the water as before, and without employing a gauge.

Hawkins v. Speck.

CASE 4.—2 August.—Complaint was again made to Mr. Cooper by the before-mentioned Yates and Taggart, that their supply of water was still insufficient, and again calling upon us to supply the deficiency. They alleged that we were using water flowing from certain springs intercepted by our race, about a mile from its head, and which was available for their purposes. Mr. Cooper, having selected two assessors, awarded damages against us to the amount of £8, or seven days' imprisonment in default. This was for being in possession of a flow of water, miserably insignificant in itself, which we were never ordered to resign. Previous to the expiration of the seven days, we discovered that one of the assessors, named Shinnick, was a partner of the complainant Yates, and gave immediate notice of the fact to Mr. Cooper. In addition to this, a telegram was received by one of our friends from Mr. Commissioner Scott, in reply to one forwarded to him, questioning Mr. Cooper's decision that two sluice heads meant two ground sluice heads, which stated that, "unless specially marked ground, all sluice permits are for one box head only." This also was communicated to Mr. Cooper; but in defiance of both facts, Mr. Cooper declined in any way to alter the verdict.

Yates & Taggart v. Maxwell. Assessors—Shinnick & Moriarty.

CASE 5.—6 August.—Complaint was made to Mr. Cooper by a miner, named Shinnick, that his supply of water was insufficient, and calling upon us to supply the deficiency. No trial took place, and we knew nothing whatever of the matter until we received an order from Mr. Cooper to "let three ground sluice heads of water pass by the head of our race to the race of Shinnick's party." Our race had, by previous decisions, been entirely drained of water, but at this time water was flowing in it, owing to a thaw. We complied, but protested against the order, on the ground of its absurdity; as, from the relative position of the heads of the races in question, no water could by any possibility flow from our race into Shinnick's, unless it flowed up hill—up a creek whose natural course was down from the mountains. Mr. Cooper, however, paid no attention to our representations. In consequence of this order, no less than four miles of our race became blocked up with snow, and the embankments in three places destroyed by frost.

Shinnick v. Maxwell. No assessors.

CASE 6.—22 August.—Complaint was made to Mr. Cooper by a miner named D'Arcy, the successor of Taggart, that his supply of water was insufficient, and calling upon us to supply the deficiency. At that time the creeks were in a state of flood, and all the races, ours amongst them, were flowing over. The summons to attend was served upon us scarcely two hours before the trial took place; we were consequently unable to produce any witnesses. The case was heard, as usual, in a room of the Empire Hotel, which, as usual, was crowded with Irishmen, the friends of the complainant, and all prejudiced against us. We requested an adjournment till next day, to procure our witnesses, but Mr. Cooper refused to grant it. We objected to the assessors as prejudiced, but Mr. Cooper overruled the objection. One of the assessors expressed an opinion in favour of an adjournment, but his opinion was set aside.

D'Arcy v. Hawkins. Assessors—Spiera & Felix.

The

The complainant had no gauge. Mr. Cooper would not direct a gauge to be placed. The verdict, as expressed by Mr. Cooper, was "£20 by ten o'clock to-morrow morning, or three months' imprisonment." The fine was paid.

Having now for two months obeyed a series of decisions which we knew to be contrary to law, which had left our race entirely empty, and had entailed the most serious injury upon us, we at length thought it useless to attempt resistance in any shape or form. I, on behalf of my party, had addressed two letters to the *Sydney Herald* on the subject, but not until I had appealed to Mr. Commissioner Cloete, Mr. Robertson (the Minister for Lands), and to various Members of the Legislature. Those appeals were in vain. Legal assistance was beyond our reach, and we felt that nothing was left to us but patiently to await the hour of redress.

Haley v.
Hawkins.
Assessors—
Potter & Morrel.

CASE 7.—22 November.—Complaint was made to Mr. Cooper, by a miner named Haley, a partner of Speck's, that his supply of water was insufficient, and calling upon us to supply the deficiency. The complainant had abandoned his race for upwards of fourteen days, and was therefore not entitled to make complaint at all. Moreover, the complainant had no gauge, and Mr. Cooper would not order him to place one. We were fined £10. I admit that, a few days previous to this trial, one of my partners, named Maxwell, had turned the water on to our race, but the quantity flowing was very small.

Previous to this trial I had notified to Mr. Cooper that I had transferred my interest in our claim. Notwithstanding this I was summoned to appear.

D'Arcy v.
Hawkins.
Assessors—
Potter & Morrel.

CASE 8.—22 November.—Complaint was again made to Mr. Cooper by the before-mentioned D'Arcy, that his supply of water was insufficient, and again calling upon us to supply the deficiency. In this case, as in all the others, the complainant had no gauge. In this case, as in all the others, Mr. Cooper declined to make him place one. We were fined £9.

At the hearing of this case, which took place in the Camp, the police would not allow several parties to enter the Court—we know not why. I am ready to admit that, in the last two trials, Mr. Cooper, having heard of our dissatisfaction at his sitting and conferring with the assessors, intimated that, if we objected to it, he would not do so. We thought it, however, by this time, useless to avail ourselves of the privilege.

Finally, I, Samuel Hawkins, upon my oath, make this solemn declaration:—I solemnly and sincerely declare that I have brought the above charges and accusations against Mr. Cooper, not from a malicious or vindictive feeling, but simply and solely to vindicate justice and procure redress. That I am entitled to redress will, I think, scarcely be disputed. With the experience I have had as a miner, I cannot be supposed ignorant of the mining laws. I am not willing to make rash charges, but I maintain that Mr. Cooper, impelled originally either by his ignorance or his interest, and subsequently, by his ill-feeling towards myself, has invariably decided not only against me but against the law. He will, doubtless, endeavour to shelter himself behind his assessors; that endeavour will be in vain, for those assessors were, almost without an exception, simply his adherents and his tools.

As I have said, I appealed by letter (though Mr. Cooper told me I had no appeal, not even to the Governor) to the Chief Commissioner and to other authorities. Those appeals produced me nothing but official replies. No lawyer was within our reach. I was thus driven to the Press—the last and most effectual resort of the injured and oppressed. That was nearly six months ago; but no sooner was my first letter to the *Herald* read in Kiandra than I became a marked man. Previously to that I was almost an entire stranger to Mr. Cooper; I had seldom or never represented, or publicly acted for my party; but ever afterwards I was invariably selected by him to represent my associates, and to bear the chances of imprisonment. His unscrupulous adherents, of whom I have already spoken as the notorious "Irish mob," knowing they had nothing to fear from the law, seized every occasion to assault me—twice on two successive days was I assaulted by them; avowedly, for "writing bloody letters;" twice was I knocked down and brutally kicked. These assaults took place with the knowledge and sanction of Mr. Cooper, and, I believe, at his instance. The evidence already before the Court warrants me in forming this belief, even had I no other and more positive proof of it. I make no unfounded assertion when I say, that it has been Mr. Cooper's practice, in cases where his displeasure has been incurred, if he could not prostitute the law to his purposes, to let loose upon his victims a mob of ruffians, who are men merely in their anatomy. Since these assaults took place I have never ventured, except when absolutely compelled, to pass through the streets of Kiandra; and then I have carried a loaded pistol in my pocket. I knew well it was equally vain to look to the police for protection or to Mr. Cooper for redress.

The perusal of the mining cases, above stated, will, I think, lead any impartial person, with a knowledge of mining law, to the inevitable conclusion that there could not have been fair play towards me. Every case, without exception, was decided against me; and every case, without exception, exhibits some flagrant violation of the law. I am convinced that almost all these complaints were brought against me solely from a knowledge that I was obnoxious to the Commissioner. The complaints themselves were unfounded; and had they been brought before an impartial Commissioner, would have resulted in punishment rather to the complainants than the defendants. The sole argument in their favour was priority of right; but I need not remark that priority of right is not the sole point to be considered. I submit that, for miners to complain of shortness of water, without proving it by a gauge, is a novelty in mining transactions. I submit that, for a Commissioner to decide that no gauge is necessary in the settlement of such disputes, is a novelty in the administration of mining law. I submit that the so called "gauge," placed in our opponents' races, with the sanction of Mr. Cooper, consisting of a mere box, heavily covered with earth, whose sole object and effect is to increase the force and current, as well as volume, of the water, is a decidedly novel method of measuring the supply of water. However, the law respecting gauges is but one law openly and unblushingly violated by Mr. Cooper.

I cannot, then, but consider that we have been robbed of our property, and defrauded of our legal rights; and of that robbery and that fraud I accuse Frederick Augustus Cooper.

This deponent, *Samuel Hawkins*, on oath, saith as follows:—I am the holder of a miner's right, and have resided at Kiandra for sixteen months; Mr. Cooper, the Sub-Commissioner at Kiandra, has permitted a miner named Edwards, alias "Speck," to hold a water right without any permit or transfer of a permit; this man was at the time using this water right to my injury, and the race is still used to my injury; I called on Mr. Cooper to make "Speck" prove his right, and to have a gauge placed at the head of his race; Mr. Cooper said it was unnecessary; "Speck" urged as his right that his mates had originally cut the race in question; and that he ("Speck") had been one of the parties cutting it; his partners had abandoned the race for considerably upwards of fourteen days; his partners had never transferred to "Speck" their right to the race; it is the practice for persons holding permits to transfer them to others at the Camp or before the Commissioner; "Speck" admitted holding no permit, and the Commissioner's book bore out his assertion; Mr. Cooper, on the occasion of the dispute with "Speck," refused to gauge his quantity of water; in consequence of this I did not again ask to have "Speck's" water gauged; on asking Mr. Cooper, I was directed by him to get two respectable miners to measure the supply of the race complained of; this entailed the necessity of a walk of six miles in the snow; according to my experience this is not the usual method of settling water disputes; there was a substitute for a gauge—a close box, covered at the top, and altogether unfair; this box was placed not exactly at the head of the race, but some twelve or fifteen feet down it; these water gauges are still standing; they cannot be water gauges, on account of pressure being applied at will by the holder; I was fined by

by Mr. Cooper for not obeying an order, which order I never received; this was on the 2nd August, 1861; this was in a dispute between Maxwell and Taggart and Yates; the order said to have been thus given was explained to us when we were fined; Mr. Cooper also, on the 2nd August, carried into effect an order for £8 damages, made by two assessors and himself; one such assessor, named Shinnick, being Yates' partner in mining, and which fact Mr. Cooper at the time being fully aware that this was so; Mr. Cooper also at this time carried out this decision, notwithstanding that he had intimated to him that his decision had been reversed by telegram from Mr. Sub-Commissioner Scott, his senior officer; Mr. Scott's telegram, from Sydney to Kiandra, was the following:—"Unless specially marked 'ground,' all sluice permits are for one box head only;" the fine of £8 was exacted from us under the ruling of Mr. Cooper that two ground sluice heads were meant; Mr. Cooper, on the 6th August, made an order, which we found impossible to carry out; the order was as follows:—"Maxwell and Co. are hereby ordered to let three ground sluices of water pass by the head of his race to the race of Shinnick and party;" I showed the order to Mr. Cooper, and he acknowledged its correctness; I produce a plan; the head of our race is marked A, on the south branch of Bullock Head Creek; Shinnick's water is taken from the head of the western branch, and letting the water out at the head of our race to go down the south branch could not in any way be beneficial as a supply to Shinnick's race; Mr. Cooper would not permit me to explain the absurdity of this order to him; on the 22nd August last, I had a dispute with D'Arcy and Co., the successors of Taggart and Co.; Mr. Cooper refused to grant us an adjournment of the trial; we requested an adjournment, to procure witnesses; we had no time allowed to get witnesses; the time for the trial had passed when we received the summons; Mr. Cooper's practice is to decide these disputes in a public-house; it is not the practice to do so according to my experience; there were no means at hand, such as pen, ink, or paper, to make records of these cases so settled; I did not consider my person safe from violence when attending cases at this public-house; I was assaulted in this place while Mr. Cooper was in the house, and after I had demanded protection from him, and that he was aware of the danger I was in; I was also, some time in the beginning of August, summoned to the Camp, and when I arrived was informed I was not wanted—that it would require two Magistrates to deal with the case I had been summoned for; our hut was burst into violently on a Sunday morning, about a month since, by two constables; I believe they are named Quirk and McCarthy; they inquired for some stolen horses; Mr. Cooper has on more than one occasion called in assessors to deal with cases of mine who he knew were strongly prejudiced against us—the prejudice being that they were members of a mob at Kiandra who were Mr. Cooper's partisans, avowedly so, and which mob had sworn vengeance against me; one assessor was named Shinnick, and another Felix, both of whom were opposed to me; Mr. Cooper has conferred with the assessors, and deliberated with them on the verdict; it is not the practice for Commissioners in my experience to confer with the assessors in any case; I have reason to believe that such verdict and finding were influenced by Mr. Cooper; Mr. Cooper has permitted a man named Hayley, whose right had lapsed for some time, to hold and enjoy a water privilege (I allude now to Speck's race); in consequence of all the above acts of Mr. Cooper, our race of water has been rendered valueless; and I believe that Mr. Cooper has been actuated towards us in these acts by a spirit of vindictiveness, which commenced soon after the appearance of a letter of mine in the *Sydney Morning Herald*; I feel convinced that if my first request had been complied with, as to gauging the water of Bullock Head Creek, many, or indeed all, of these disputes would have been avoided.

By Mr. Cooper: I have been on these diggings about sixteen months; water disputes at Kiandra, within my knowledge, have not been common; I don't know whether any of the Kiandra Commissioners, in settling water disputes, ever ordered gauges to be placed in races; I was at the commencement of the cutting of Maxwell's race; I transferred my share in this race to one Wingrave, to protect myself from continual persecution; I did not transfer my share to one Cohen; I was not present on the two first occasions when decisions were given in the case of Taggart v. Maxwell; I don't know what was done on these occasions; the assessors on the third occasion were Shinnick and Moriarty; I do not know that Shinnick was there at Maxwell's request; Yates and Taggart were the complainants against us then; Maxwell was fined £8; I was present; the water in Taggart's race was not gauged; by putting a gauge in, a permanent one at least, it might have been measured at the time of the dispute, and the box then removed; there might have been forty feet of snow on the ranges at the time; "Speck" I am not aware that the party complaining always finds the gauge box; I did not object to the spot the gauge was placed in Taggart's race; I had previously objected to the kind of gauge used; the copy of your order, dated 6 August, 1861, is in MacDonagh's handwriting; I am not aware that MacDonagh and Shinnick were the parties applying for the order produced; I never saw the original order; I am not aware that the order given applied to fluming across the western branch spring that supplied the hydraulic race; when an adjournment was refused it was not the fourth hearing of the case—Taggart v. Maxwell; I have seen pen, ink, and paper, when the case is important enough to be settled in a room; even on the ground, notes are taken with a pencil; the weather was severe at the time—the snow was on an average of four feet; I do believe you to have been actuated towards me by a vindictive feeling, and that you have influenced the assessors in their decision; I have been mining for nine years, and since 1856 in New South Wales; I now produce two permits in writing—one is dated 2 November, 1860, signed P. L. Cloete, granting three sluice heads of water to Maxwell and party for sluicing by hydraulic power; the other, granted by Mr. Scott, bears date from 19 November, 1860, granting three ground sluice heads, from the same locality, to Maxwell and Co.; I believe that mentioning the word hydraulic by Mr. Cloete implies ground sluice heads.

SAML. HAWKINS.

Sworn before me, at Kiandra, this }
6th January, 1862. }

J. H. GRIFFIN, J.P.

This deponent, *James Martin*, on oath, saith as follows:—I am the holder of a miner's right; I am a partner of Samuel Hawkins; I have been mining at Kiandra nearly two years; I recollect in a dispute between Hawkins, Maxwell and Co. against "Speck" or Edwards—at least they were the cause of it—that "Speck" could not produce a transfer; I remember once gauging "Speck's" quantity of water on the 13th August last, and Speck had more than he could show a right to; in my opinion the gauges put in to races on Bullock Head Creek are not proper ones—these boxes increase the supply of water; I remember, as one of Maxwell's party, being fined, and having to pay £8, but we never received the order the disobeying of which we were fined for; I remember seeing an order to turn the water from the head of our race into the head of Shinnick's race; this it would be impossible to do; we had to turn the water out, and our race got filled up with snow; the greater number of our disputes were settled in a public-house; I never saw any record made of any case in dispute; I don't think it was safe for Hawkins to attend at these disputes settled in public-houses; in consequence of these decisions of Mr. Cooper and assessors, our race has to a certain extent been rendered valueless; but under any circumstances, at this time of the year we should not have water to sluice with, on account of the scarcity in dry weather.

By Mr. Cooper: I do not know how many sluice heads of water are granted before ours; there are, I should think, twenty granted before us, and there is, at present, not more than one sluice head running; we knew that before we cut the race other races were slightly damaged, and ours would not have been so much if water had been running in it; the cases of mining disputes in public-houses were heard

heard there in winter; in the depth of winter we turned the water out of our race altogether, when we received the order; I have reason to believe that Macdonogh was with Shinnick when they got that order; I don't know whether the Commissioners were in the habit of making holders of races keep gauges in before you came to Kiandra; Edwards, *alias* "Speck," was called upon to show his permit, when Scully and others went up the creek; I don't think he showed one; he merely held it because he helped to cut the race; I am aware that Maxwell assigned over all right and title in the race, as security only, all the partners consenting; it stands in my name as much as any one's; either I or Hawkins can sell a share; some of our partners have sold shares lately; Cohen has not, in my opinion, any right to sell the claim.

By Mr. Barton:—I do not think there is sufficient water at present to supply the races in Bullock Head Creek, on account of the dryness of the season.

JAMES MARTIN.

Sworn before me at Kiandra, this }
6th January, 1862. }

J. H. GRIFFIN, J.P.

This deponent, *Robert Speers*, on oath, saith as follows:—I am the holder of a miner's right, and have resided at Kiandra for nearly two years; I remember acting as an assessor, with one Felix and Mr. Cooper, in a case of dispute between D'Arcy and Maxwell; an adjournment was asked for; it was not granted because we, the assessors, thought that one party had as much time to get evidence as the other; Mr. Cooper did not interfere with the assessors; I never made a statement to the effect that an adjournment should have been granted, either to Macdonogh, or Ford, or to Felix.

By Mr. Cooper:—I never knew you to influence the assessors in mining disputes; you did not attempt to influence me in the case referred to.

ROBERT SPEERS.

Sworn before me at Kiandra, }
6 January, 1862. }

J. H. GRIFFIN, J.P.

This deponent, *Felix Mathieu*, on oath, saith as follows:—I am a cordial maker and gold miner; I have resided here nearly two years; I recollect being called in with another assessor, on a mining case, D'Arcy v. Maxwell; Maxwell did ask to have the case postponed; we, the assessors, both objected to this; Maxwell chose me as assessor; I don't recollect talking about the adjournment; Mr. Cooper was acting with us.

By Mr. Cooper:—I was sworn as an assessor; you did not attempt to influence me; I should have considered myself perjured if I had not acted conscientiously; we were both agreed as to not allowing a postponement.

FELIX MATHIEU.

Sworn before me, at Kiandra, this }
6th January, 1862. }

J. H. GRIFFIN, J.P.

This deponent, *Edward Shinnick*, on oath, saith as follows:—I am the holder of a miner's right; I have been living at Kiandra for two years, and been a miner for nearly eleven years; I remember acting as an assessor with one Moriarty, at the special request of Maxwell, the defendant in the case; Mr. Cooper was the Commissioner; Maxwell went out of his way to get me as an assessor; I was not a partner of the plaintiff Taggart at the time; Mr. Yates, the Manager of the New South Wales Bank, had nothing to do with the dispute; I don't know whether Yates was a partner of Taggart's or not; Mr. Cooper did not attempt to influence me on that occasion; Maxwell was fined £8 on this occasion; Moriarty—one assessor—wanted to assess at £12; I named £6, and Mr. Cooper said "Make it £8," which was the amount agreed to; I remember, accompanied by Macdonogh, going to the Commissioner, Mr. Cooper, for an order for Maxwell and Gallagher to let down their water to us; I know the order produced, or one similar to it; when presenting it to Maxwell's party I told them the order was a mistake; I did ask them to comply with it, but I wanted the water from a spring at the head of Gallagher's race; this spring had been blocked up by Maxwell's race; it (Maxwell's race) should have been flumed at this spot; I have a prior right to Gallagher.

By Mr. Barton: Yates was a partner in a race with me up to the time he left Kiandra; Mr. Cooper, when I was acting as assessor, did not say, "Make the damage £8, as there can be no appeal under £10;" Mr. Cooper did not whisper with the assessors, but he did suggest the £8; Yates was not present when the dispute was going on.

EDWD. SHINNICK.

Sworn before me, at Kiandra, this }
6th January, 1862. }

J. H. GRIFFIN, J.P.

This deponent, *Patrick Healey*, on oath, saith as follows:—I am the holder of a miner's right; I have been nearly two years at Kiandra, and altogether a miner since 1849; I am the holder of a water permit on Bullock Head Creek; the application was put in—Godfrey and Co., one sluice head; Norton and Byrnes are also partners of mine; they have also one sluice head; when my application was put in, it was for ground sluicing on Surface Hill, at Kiandra; we had always used two ground sluice heads up to the time of the dispute with Maxwell; Mr. Commissioner Clarke and Mr. Commissioner Scott at different times measured our water, and gave us one ground sluice head, as the water was scarce; one ground sluice head to Scully, who holds a prior right to us; I was there at the opening of the race; "Speck," or Edwards, was partner of mine, and of Norton and Byrnes, at the time the race at Bullock Head Creek was commenced—at least Byrnes did not join for a week after we had commenced the race, but we were full partners when the water was granted; I believed, and always have, that a ground sluice was meant in the application and permit; we hold a prior right to Maxwell.

By Mr. Barton: I never abandoned our race at Bullock Head Creek for a single day; I have been ordered to gauge our water in a proper manner, by Mr. Commissioner Cooper; last month we were gauged; it was an open gauge; it was near the head of the race, perhaps ten feet away from the head.

PATRICK HEALEY.

Sworn before me, at Kiandra, this }
6th January, 1862. }

J. H. GRIFFIN, J.P.

This deponent, *Edmond Edwards*, on oath, saith as follows:—I am the holder of a miner's right; I have lived at Kiandra nearly two years; I have been a miner about twelve years; I was once a mate of Healey's; I know both the water permits produced; I had a full partner's share in both; I was a partner with Godfrey & Co. from the commencement; I was also partner with Norton and Byrnes; we were ground sluicing when we made the application; we have always had and used ground sluices; we have been in possession of these permits for twenty-one months; we were gauged off our quantity by Messrs. Clarke and Scott, Commissioners; they gave us ground sluice heads; Mr. Scott called for all the permits on Bullock Head Creek, and gave us these printed permits for those we had; no question of our right to a ground sluice head was ever questioned by anyone except Maxwell and party.

By Mr. Barton: A man named Healey held a share in our race; he was a shareholder at the time the dispute about this gauge was going on; I don't know how long he was away; he was away at one of the disputes; he was away when Hawkins wanted to take away our right of water; I have had orders from Commissioner, I think from Mr. Clarke, to gauge my quantity of water; I do not remember being ordered by Mr. Cooper; I can tell whether I have more than a sluice head or not.

E. EDWARDS.

Sworn before me, at Kiandra, this }
6th January, 1862. }

J. H. GRIFFIN, J.P.

This deponent, *James Martin*, on oath, saith as follows:—I am the holder of a miner's right, and have resided at Kiandra nearly two years; I remember, about the 31st July last, a complaint being made against our party by one Yates; I remember Maxwell, one of our party, asking Yates for his miner's right; Yates did not produce it; never saw Yates produce a miner's right; Yates went out of the room where the dispute was being heard, and called one Taggart; we objected, but Mr. Cooper ruled that Taggart was a partner, and that as he was the holder of a miner's right the dispute could go on; the gauge in Taggart's race was not, in my opinion, a proper one; I think that the box should be an open one; I never saw gauges similar to Taggart's anywhere else but at Kiandra; Taggart's party could not, in my opinion, prove that they had less water than their right with the gauge they had in their race; the covered box carries more water in a flood at one time than a party is entitled to; Speck's and Carmichael's races, as well as Taggart's had more water on several occasions than they were entitled to; I remember having a dispute with Taggart about some springs at some two miles from the head of our race; I believe Taggart made the complaint; and if our race had not been out, these springs would have gone into Speck's race, and not Taggart's; I don't know whether Yates and Taggart were partners or not; Yates did come forward in the disputes; I remember we had a dispute with one D'Arcy when the creeks were flooded; I remember Hawkins protesting against all who were in the room as assessors; it was at Carmichael's public-house; Mr. Cooper paid no attention to the protest made by Hawkins; Hawkins wished to send to the river for men; I think that this dispute of D'Arcy's arose from the fact of a letter appearing in the *Sydney Morning Herald* complaining of a previous case decided against us; Hawkins was not summoned before; Hawkins and Maxwell were fined £20, or three months' imprisonment; in my experience as a miner, I never knew three months given in default of payment of a fine; this fine and imprisonment in default of payment, were decided on soon after the letter in the *Sydney Morning Herald* appeared; I never knew a sluice head to mean a ground sluice head.

By Mr. Griffin: I know the water rights in Bullock Head Creek; Taggart's was prior to ours; Speck's was also prior to ours; I believe that Speck's is also prior to Taggart's; these springs are feeders of the branch of the creek from which Taggart takes his right.

By Mr. Cooper: We have never had three sluice heads of any kind through our race yet.

JAMES MARTIN.

Sworn before me, at Kiandra, this }
7th January, 1862. }

J. H. GRIFFIN, J.P.

This deponent, *Harrison Wingrave*, on oath, saith as follows:—I am the holder of a miner's right, and have resided at Kiandra twenty months; I am a partner of Hawkins's; water disputes have taken place between miners named Speck, Taggart, and our party; these miners have taken more water from Bullock Head Creek than they were entitled to; I remember a dispute about some springs between our party and Taggart; the water from these springs would have flown into Speck's, not Taggart's race; had it not been for our race Taggart would have derived no benefit; our race carried this spring water for nearly a mile before it was delivered, by cutting our race, to Taggart; I remember that our party was fined £8.

By Mr. Cooper: I was not present at any of our disputes except the one in which we were fined £20, and have not been present at any since; I believe that Speck's party are entitled to two sluice heads and Taggart to one sluice head; Speck's race heads from Bullock Head Creek, and Taggart's race to; these springs are tributaries of Bullock Head Creek; I am not aware that an order was given to cut the race; the race was cut; I don't know by whom; Norton and Byrnes are prior to ours, so is Taggart's; I purchased my share from Frederick Cohen; I am not aware that Cohen has any hold over the claim.

By Mr. Barton: Although I was not present at the water disputes, I was working in the claim and knew the position of the races.

By Mr. Griffin: The race, our race, was cut clandestinely, to deliver this spring water to Taggart.

H. WINGRAVE.

Sworn before me, at Kiandra, this }
7th January, 1862. }

J. H. GRIFFIN, J.P.

This deponent, *William Williamson*, on oath, saith as follows:—I am the holder of a miner's right, and reside at Kiandra, and have lived there for nearly two years; I am a partner of Hawkins; I remember water disputes; I remember one in Pollock's Gully, between a man named Scully and myself; the question arose as to what was a sluice head; Mr. Scott was the Commissioner; Mac-Donogh and Maxwell were the assessors; Mr. Scott defined a sluice head to be twelve inches by one; I have seen Speck's gauge at Bullock's Head Creek—it is not in my opinion a proper one; I believe that they can press through sixty inches of water; Speck has been in the habit of taking more water than he is entitled to; I don't know about Taggart.

By Mr. Cooper: At the time of the disputes between Maxwell and Speck I was a partner of Speck's; I was never examined as a witness—was never present at any of the disputes; I now say that while I was in Speck's party we had no disputes with Maxwell.

By Mr. Griffin: I have been a miner since 1855; I have been ground sluicing chiefly all that time; I was ground sluicing then on Pollock's Gully; I do not consider a box sluice head enough to ground sluice with.

WILLIAM WILLIAMSON.

Sworn before me, at Kiandra, this }
7th January, 1862. }

J. H. GRIFFIN, J.P.

This

This deponent, *William Anthony MacDonogh*, on oath, saith as follows:—I am the holder of a miner's right, and have lived at Kiandra for twenty-two months; I remember being an assessor with Maxwell in a case of *Scully v. Williamson*, a water dispute at Pollock's Gully; the Commissioner was Mr. Scott; Mr. Scott decided with the assessors, that a sluice head, unless described in the permit as a ground sluice head, meant a box sluice head.

By Mr. Griffin: The parties against whom we decided were ground sluicing at the time; they had been using the water some time before; I have been mining for ten years; I know what ground sluicing means; and apart from the Government Regulations and the Gold Act, I am certain that a box sluice head is not sufficient to ground sluice with.

Sworn before me, at Kiandra, }
this 7th January, 1862. }
J. H. GRIFFIN, J.P.

W. A. MACDONOGH.

This deponent, *Samuel Hawkins*, on oath, saith as follows:—I am the holder of a miner's right, and have lived at Kiandra for sixteen months; on the occasion of the dispute between Yates, Maxwell, and Teggart, Maxwell and I attended; we were fined £8 for retaining possession of certain springs, and were verbally ordered to deliver them to Teggart, he saying that they were available to him; we were ordered verbally by Mr. Cooper to cut the race to deliver the spring water to Teggart, and I refused; our race was cut, by whom I don't know, at a point that was ruinous to us at the time.

Sworn before me, at Kiandra, }
this 7th January, 1862. }
J. H. GRIFFIN, J.P.

SAML. HAWKINS.

This deponent, *Robert Speers*, on oath, saith as follows:—I am the holder of a miner's right and live at Kiandra; I remember acting as an assessor with Felix Mathieu in a case of *D'Arcy v. Maxwell and Hawkins*; I was solicited three times to act as assessor by Maxwell; Hawkins did not object to me.

By Mr. Barton: Maxwell expressed no wish to send to the river for other assessors in my presence.

Sworn before me, at Kiandra, }
this 7th January, 1862. }
J. H. GRIFFIN, J.P.

ROBERT SPEERS.

This deponent, *Felix Mathieu*, on oath, saith as follows:—I am mining at Kiandra; I have been digging since 1849; I remember acting with Speers as assessor in the case of *D'Arcy v. Maxwell*; I was not objected to by Maxwell; Hawkins did not object to me in my presence.

By Mr. Barton: Maxwell did not come into the billiard-room to ask me to sit as assessor; I never heard Hawkins object to the whole room, or any one in it.

Sworn before me, at Kiandra, this }
7th January, 1862. }
J. H. GRIFFIN, J.P.

FELIX MATHIEU.

This deponent, *Hugh Teggart*, on oath, saith as follows:—I am the holder of a miner's right, and reside at Kiandra; have lived there for two years; I bought into Murphy and party's ditch; I don't remember the date; it was, I believe, prior to Maxwell; I remember making a complaint to Mr. Commissioner Cooper about Maxwell taking our water, about four or five months ago; Mr. Cooper went to the spot with two assessors, and no objection was made by Maxwell to the assessors; Hawkins was not present; Yates was not present; the decision was, that there was in my ditch at the time one inch and a half by twelve inches of water, and that I was entitled to two ground sluice heads; Maxwell did not object to the gauge-box with which the water was then measured; Maxwell made no objection to the decision in my hearing; Mr. Cooper did not, in my presence, in any way influence the assessors; this was the first dispute of water between Maxwell and Teggart; I made a second complaint, a short time after, because I had not sufficient water; Mr. Yates never acted as a partner of mine; was never a partner of mine; if Mr. Yates had interfered in this matter he would have no right to do so; he might have been acting for another party; two assessors were called, and acted; Hawkins was not present; Maxwell was present; Maxwell did not object to the assessors; the order was—Maxwell was to turn out all the water in his ditch until I was supplied with the quantity I was entitled to; water was scarce then; no fine was imposed; a short time after this second complaint I lodged a third, that Maxwell was still interfering with my water right; there were two assessors in this third dispute; Maxwell did not object to them; I don't know that Yates was present; there was an award of £8 made for my loss of time; I think Hawkins was there; he (Hawkins) was present at one dispute, and only one; I never knew Mr. Cooper to influence the assessors in my presence, or to my knowledge; in this third dispute, mention was made of some springs which would run into the head of my ditch if not cut off, and were intercepted by Maxwell's race.

By Mr. Barton: The assessors in the first dispute were Edwards, *alias* Speck, and Young; the assessors said, after measuring, that we had 1½ inches of water in our race; the decision was given at the head of our race; it was what I call a proper box; Speck was not interested in my ditch; Yates was present at one dispute; he was taking some part in the dispute, and was asked for his miner's right; he didn't produce it; I made the second complaint; I made all three; I don't know why Yates interfered—he was no partner of mine; when I bought into the ditch I understood I was buying into two ground sluice heads; the permits state a sluice head each; the order was to turn out all the water out of the ditch, by cutting the bank away at the head; on the third dispute at Carmichael's public-house, Mr. Cooper remained with the assessors after the room was cleared; Maxwell's ditch was dry from its head down to where the springs run in, I believe; at the time of the third dispute, when Maxwell was fined £8, the springs might at the time have given a box head of water; I and my mate did cut Maxwell's race, by an order from Mr. Cooper; we cut Maxwell's race at a spot where the spring water had run more than 100 yards through it; we cut Maxwell's ditch beyond where the water in it would have been available to Speck.

By Mr. Cooper: The order to cut Maxwell's race was made by Mr. Cooper and the assessors; it was a verbal one; you were not present when we cut the race; you did not point out the spot where Maxwell's race was to be cut; the order was to cut Maxwell's race so as to let the spring water flow into the creek above my race, so as to be available to me; I did not consult the assessors or Mr. Cooper as to the exact spot the race should be cut in.

Sworn before me, at Kiandra, this }
7th January, 1862. }
J. H. GRIFFIN, J.P.

HUGH TEGGART.

This deponent, *John Carmichael*, on oath, saith as follows:—I am an innkeeper, and have lived at Kiandra for nearly two years; on an occasion, in which Shinnick acted as an assessor between Maxwell and Teggart, I heard Maxwell ask Shinnick to be one of the assessors; I heard him first quietly, and afterwards in public, press Shinnick to be an assessor; I never heard Maxwell object to assessors who acted in the dispute of Teggart v. Maxwell; I never heard anyone tax Mr. Cooper with influencing the assessors.

By Mr. Barton: Yates was never, to my knowledge, a partner of Teggart's; Yates was asked for his miner's right because at the time Maxwell's party, I believe, thought he was a partner; Yates was acting by agent for another party; these disputes being held in my public-house were in no way beneficial to my trade.

JOHN CARMICHAEL.

Sworn before me, at Kiandra, this }
7th January, 1862. }

J. H. GRIFFIN, J.P.

This deponent, *Thomas Edward Potter*, on oath, saith as follows:—I am the holder of a miner's right, and have lived at Kiandra about two years; I have been mining nine years, and was a member of the Yacandandah local Court; I have acted on two disputes as assessor—Hayley v. Maxwell and D'Arcy v. Maxwell; I was not objected to; I believe that both these cases were conscientiously decided; Mr. Cooper did not attempt to influence the decision in any way; Mr. Cooper once decided a dispute against me whereby I lost a good claim; I believe him to be impartial.

By Mr. Barton: I have not been influenced by parties out of doors in my evidence.

T. E. POTTER.

Sworn before me, at Kiandra, this }
7th January, 1862. }

J. H. GRIFFIN, J.P.

This deponent, *George Morrow*, on oath, saith as follows:—I am the holder of a miner's right, and have been at Kiandra for six months; I manage the Empire claim; I remember acting on two occasions at Kiandra with Mr. Cooper as assessor—Hayley v. Maxwell and D'Arcy v. Maxwell; no objection was made to me as an assessor; I believe the decision given in each case was quite just from the evidence given; Mr. Cooper did not in any way attempt to influence the assessors; I believe Mr. Cooper acted impartially in both the above cases; I never knew you to act unjustly in any case; the plaintiffs in each case had good cause for complaint.

GEORGE MORROW.

Sworn before me, at Kiandra, this }
7th January, 1862. }

J. H. GRIFFIN, J.P.

This deponent, *Samuel Hawkins*, on oath, saith as follows:—I am a gold miner, and reside at Kiandra; on four different occasions at Kiandra I have been assaulted; I was first assaulted on the 21st August last; I was standing in the street near Cowper's store; a man came up and told me to send our water down to him; I replied I knew nothing about it, he had better apply to Mr. Cooper, the Commissioner; he said Mr. Cooper would have nothing to do with these water disputes until Mr. Commissioner Scott came up; the man then left me; I then went down to Cowper's lower store; I was waiting for Mr. Goulstone; Mr. Cooper was standing at the Post Office, which is twenty yards off, for some time; Mr. Cooper then went away; the man I had seen before came up to me, and told me if I didn't send the water down he would break every bone in my body; I told him threats would have no effect upon me—he must apply to Mr. Cooper; he then knocked me down and kicked me about the head; when he ceased I went into Carmichael's inn to look for Mr. Cooper; I found him in the billiard-room, told him what had happened, and asked him for protection; Mr. Cooper referred me to the police; several men were standing in the bar; I knew it was not safe to go to the police; one of the men standing in the bar asked me if I knew who had assaulted me; others told my companion not to go for the police; I retired to the back of the house and there washed my face; on returning through the bar I met Michael Bourke; the billiard-room door was open; I could hear Mr. Cooper talking; Bourke seized me by the throat, and told me that I hadn't got half what I should have for writing bloody letters; he thrust me against the wall several times, and wanted me to fight; during the altercation the billiard-room door was slammed to, and Bourke, finding I would not fight, left me; on the next day, the 22nd August, I was summoned to Carmichael's inn by Mr. Cooper, as defendant in a mining case; the room was full of the complainant—D'Arcy's friends—I knew I was not safe there from personal violence, and told Mr. Cooper I had been twice assaulted on the previous day, and asked him for protection; he told me he did not care two-pence about it—I was brought down to answer a complaint, and he could not help it; he then left me; the dispute was then gone into, and I was, with others, ordered out of the room while the verdict was being considered; while standing in the next room, I was struck in the face, and was threatened from all quarters with violence; after the mining case was over, I stopped Mr. Cooper as he was leaving the room, told him I had been again struck, and said I would hold him responsible if I received any further injury; he said something to the police which I did not hear, and then told the policeman aloud to look to my safety; I went home to get the money to pay the fine awarded on the mining dispute; I didn't succeed, and was obliged to come again into town to get it there; while standing at the door of Walker's store three men attacked me, knocked me down in the street, and kept kicking and striking at me while I was on the ground; I saw a man I believed to be a constable, from his clothes, about twenty or thirty yards off; I was rescued by some bystander; I was never assaulted previous to the 21st August on Kiandra; I believe that my writing letters to the *Sydney Morning Herald* was the cause of the assaults; I can produce evidence to prove that Mr. Cooper has not kept his police in proper check; two constables who I know by sight, and who I believe are named Quirk and McCarthy, came to my hut early one Sunday morning, so early as to be at an unseasonable hour, a little after daybreak, and after calling out "Hawkins," burst open the door of my hut; they then asked me questions about stolen horses; I had never owned a horse on Kiandra; I believe the police are no protection at Kiandra—they side with the mob; one of the mob was an ex-policeman named Moriarty, and was one of the three who had assaulted me on the last occasion; I positively swear that there is a mob known as the Irish mob on Kiandra; this mob are in the habit of committing brutal assaults, and I have never known these assaults investigated; respectable men are intimidated by this mob, and it is necessary to carry weapons for self defence; the law has not been maintained and asserted by Mr. Cooper as a Magistrate; I can state conscientiously that Mr. Cooper was constantly with one of the leaders of this mob—Michael Bourke.

By Mr. Cooper: I did not know that you had once sentenced a man named Moriarty, the same alluded to in my evidence, to three months' imprisonment in Goulburn Gaol; I do know that Moriarty did receive a sentence of three months in gaol; two men, named Morton and Wingrave, were in my hut

but when the constables burst my hut open on the Sunday morning; I did not report the matter to you; the first assault was committed a month after the first dispute between Teggart and Maxwell; I was assaulted twice on the day previous to our dispute with D'Arcy, who is one of the Kiandra mob; I have seen a person on Kiandra, as late as Christmas Day last, suffering from an assault on the head; I did not see the assault committed; I was not assaulted in your presence in Carmichael's public-house; I did not mention the party's name to you; you did speak to a constable in my presence, and desire him to see I was not molested; about an hour after I was violently assaulted in front of Walker's store; I swear the police did not interfere instantly.

By Mr. Barton:—I did not apply to Mr. Cooper in Speck's assault case, because I had failed to obtain redress before.

SAML. HAWKINS.

Sworn before me, at Kiandra, this }
7 January, 1862. }
J. H. GRIFFIN, J.P.

This deponent, *Patrick Newman*, on oath, saith as follows:—I am the holder of a miner's right, and am now residing at Kiandra; I was stationed in the Kiandra district as a constable for fifteen months; I remember seeing Hawkins assaulted in August last, at Kiandra, immediately a letter appeared in the *Sydney Morning Herald* reflecting on Mr. Cooper; Mr. Cooper had called me into the Police Office, and had read the letter in the paper out to me; he asked my opinion of it; I said the best thing was to contradict it through the Press; Mr. Cooper said he could not do that; he desired me to tell one Michael Bourke that he wanted him; I did tell Bourke; on another occasion, a few days after, I was in Carmichael's public-house; Mr. Cooper told me to slip a-oneside until Hawkins was beaten; I did keep out of the way; when I saw Hawkins assaulted in August, I saw a man kicking him in the head while he was on the ground; I mentioned this to Mr. Cooper; he laughed, and asked me was I sure; I did not interfere when I saw Hawkins assaulted, as I believed that Mr. Cooper wished to have him (Hawkins) beaten; I was not acquainted with Hawkins; I have not seen him, to my knowledge, until a few days ago, since the time of the assault; some of the Kiandra inhabitants relied on the police, others did not; Mr. Cooper's acquaintances did rely on them—those opposed to him did not; I did not like, when meeting persons opposed to Mr. Cooper, even to speak to them, as I knew I should be visited with his displeasure; there has been a mob on Kiandra; this mob has been in the habit of committing assaults without being punished for them; this mob, I believe, has exercised intimidation over the respectable inhabitants; I do not believe that Mr. Cooper has behaved as a Magistrate should have in trying to check disorder—I mean the assault on Hawkins; I know to my knowledge that Mr. Cooper has attempted to employ members of this mob to get parties beaten.

By Mr. Cooper: I have preferred charges to the Government against you; I have also preferred charges against the police to Mr. Assistant-Superintendent M'Leerie; these charges have not all fallen to the ground; I have lately been dismissed by Mr. M'Leerie.

P. P. NEWMAN.

Sworn before me, at Kiandra, this }
8th day of January, 1862. }
J. H. GRIFFIN, J.P.

This deponent, *William Antony MacDonogh*, on oath, states as follows:—I am the holder of a miner's right, and have lived at Kiandra for twenty-two months; I first saw Hawkins assaulted in Carmichael's bar-room, while attending a mining dispute there; Hawkins was standing at the bar with a crowd of persons; a man named Edwards, otherwise "Speck," said, "What right have you to talk about my water? I have a damned good mind to give you a good punching, and for two pins I'd do it now!" giving him a slap in the face; I said, "Shame! shame! that should'nt be allowed;" there was a general threat through the crowd against Hawkins; I saw Hawkins again assaulted at Kiandra, on the same day; it happened in front of Walker's store, in the public street; I was talking to Henville, Walker's manager; Hawkins came up to us; we had talked about two minutes when a man named Moriarty and two others came up; they (these three) got between Hawkins and the store door, shoved him into the street, and then knocked him down, rolled him in the mud, kicked, and beat him; I said, "This is fearful work; a reign of terror has now commenced;" I looked up the street to see if any police were about; I saw a sergeant in uniform, standing at the corner of Carmichael's house; I feel convinced that, seeing us looking at him, he came to where the assault was being committed; he walked slowly and deliberately down, and when he came up he said, "Come boys, this won't do; you must not do this;" he then separated the two men who were beating Hawkins, and they desisted; Hawkins then escaped by running through Walker's store; the two men gave chase, each going at either end of the house; I recollect a letter being published in the *Sydney Morning Herald* about that time, signed G. Hawkins, reflecting on Mr. Cooper's general public conduct; I am certain of the assault being committed in consequence of the publication of this letter; I heard persons in the crowd say, "Here's the bloody letter writer—now we will give it to him;" the letter now shown to me is the letter I allude to; Hawkins was perfectly sober, and gave no provocation whatever; I had seen Hawkins two or three times before the assault, but had no previous conversation with him; we were not and are not intimate friends; as a resident of Kiandra, I do not believe the police under Mr. Cooper's direction were any protection to the inhabitants; I have seen the police looking on at assaults and not interfering; as a resident of Kiandra, I know that it is indisputable that there has been a mob at Kiandra exercising intimidation to those opposed to them; this mob has committed assaults with impunity; I do not think that Mr. Cooper has done his best as a Magistrate to check disorder at Kiandra; life and property have not been secure; I have been a Government officer for fourteen years.

By Mr. Cooper: I don't know the writer of the letter now produced.

By Mr. Griffin: I have had no connection whatever with any letters that have appeared in the public press reflecting on Mr. Cooper, signed, "Samuel Hawkins."

W. A. MACDONOGH.

Sworn before me, at Kiandra, }
this 8th day January, 1862. }
J. H. GRIFFIN, J.P.

This deponent, *Michael Foley*, on oath, saith as follows:—I am acting sergeant in charge at Kiandra; I have been residing at Kiandra eighteen months; I remember about a month ago a Melbourne detective coming to Kiandra in search of a horse-stealer named Betts, who had sold a horse to a man named Hawkins at Kiandra; I made search, as desired by the detective, and found there were three persons named Hawkins on Kiandra; Samuel Hawkins, now present, was one; I sent two constables to see Samuel Hawkins, and ascertain if he was the Hawkins who bought the horse from Betts.

By Mr. Barton: The two constables acted under my order; I sent early, for I had heard that Hawkins was leaving for Lambing Flat.

By Mr. Cooper: I swear that Mr. Cooper knew nothing of this matter.

MICHAEL FOLEY.

Sworn before me, at Kiandra, this }
5th January, 1862. }
J. H. GRIFFIN, J.P.

This deponent, *James M'Carthy*, on oath, saith as follows:—I am a constable, and have been stationed at Kiandra seventeen months; I did proceed to the hut of Samuel Hawkins to inquire after a stolen horse, by the order of Acting Sergeant Foley; Trooper Walsh, of the Frying-pan Station, accompanied me; when I got near the hut I cried out "Are you in, Hawkins?" a voice answered "Yes," or "Come in;" I went to the door; it was not fastened; it was a calico door; I pushed it open; I used no violence whatever in opening the door; I explained to Hawkins what I came for, quietly; I then went in with Trooper Walsh; I used no harshness towards Hawkins; I merely inquired about the horse; I received no instructions from Mr. Cooper about the matter.

By Mr. Barton: The door was covered with calico; it was not fastened; I will swear positively I never looked on at assaults in the Kiandra streets without interfering; Mr. Cooper never employed me to do anything illegal.

JAMES M'CARTHY.

Sworn before me, at Kiandra, this }
8th January, 1862. }

J. H. GRIFFIN, J.P.

Camp, Kiandra,
8 January, 1862.

Before James Harrop Griffin, Esquire, J.P., Chief Commissioner of the Southern Gold Fields, specially appointed by Government to investigate the charges made against Frederick Augustus Cooper, J.P., Sub-Gold Commissioner, Kiandra:—

I, William Antony MacDonogh, at present mining and residing on Kiandra, and formerly Clerk of Petty Sessions at Braidwood for fourteen years, having recently forwarded to the Government various charges against the above-mentioned Frederick Augustus Cooper, and having at length an opportunity afforded me of publicly confirming them, do hereby bring the following specific charges against him:—

1. I charge Mr. Cooper with having, since the month of June, 1861, been actuated by a spirit of malice and vindictiveness towards me, without any just cause or reason for such malice or vindictiveness; with having, in order to gratify such ill-feeling, abused the power confided to him by Government as a Magistrate and Commissioner in the most shameful manner; and with having used, and caused to be used, every possible means to inflict annoyance and distress on me.

2. I charge Mr. Cooper with having instigated the police to arrest and confine me in the lock-up, for not immediately producing my miner's right; with having inflicted on me the severest sentence the law permits for such offence, notwithstanding I had informed him that I did possess an unexpired miner's right, but that it was mislaid among my papers, and that I would produce it at the earliest opportunity.

3. I charge Mr. Cooper, Magistrate and Commissioner as he is, with having been guilty of the meanness of making and instituting inquiries at the hotel where I reside, and elsewhere, as to my means of support, and whether I was in a position to satisfy all claims against me, in order to bring me, if possible, within the fangs of the law as administered by him.

4. I charge Mr. Cooper with having caused me to be arrested and confined in the lock-up for a whole night, on the totally unfounded accusation that I was a vagrant, without any visible means of support.

5. I charge Mr. Cooper with having refused to grant me bail, although tendered to sufficient amount, on the occasion of my being arrested as a vagrant, in order to inflict on me the disgrace and suffering of imprisonment.

6. I charge Mr. Cooper with having unlawfully refused to grant me a copy of the depositions taken against me.

7. I charge Mr. Cooper with having instigated and procured one George Wallace, a miner residing on Kiandra, to forward to a certain public newspaper called the *Tass Courier*, an article purporting to be a police report, which article was written by Mr. Cooper, stating that I had been arrested, imprisoned, and fined at Kiandra, for being without a miner's right; and in which article, as written by Mr. Cooper, I was designated the "Albury Loufer."

8. I charge Mr. Cooper with having caused to be forwarded a telegram from Kiandra to Albury, for the arrest of a man named Richard Onyon, then of Albury, and which telegram stated that "a warrant had been issued by the Kiandra Bench for the arrest of Richard Onyon," when no such warrant had in fact been issued.

9. I charge Mr. Cooper with having officially forwarded a report to the Chief Commissioner, in which report he has been guilty of deliberate inaccuracy of statement.

10. I charge Mr. Cooper with having, when stationed on the Crackenback Gold Field, in the month of January, 1861, been guilty of conduct most disgraceful to a gentleman.

11. I charge Mr. Cooper with having, on the same occasion as in the last charge mentioned, swindled and defrauded a certain storekeeper.

12. Lastly, I charge Mr. Cooper with having, during his sole administration of Kiandra, neglected to assert his authority as a Magistrate for the suppression of riot and disorder, and with having abused, infamously abused, his power as such Magistrate, in order to gratify his ill-feeling towards those under him; with having allowed the police under his orders to neglect their duty, and to commit oppressive and illegal acts; and with having lent himself to a lawless mob, who have long been notorious in Kiandra for the commission of the most wanton outrages with impunity, which impunity is but one of many proofs that Mr. Cooper has throughout aided and abetted such mob, the better to suit his own disgraceful purposes.

This deponent, *William Antony MacDonogh*, on oath, saith as follows:—I am the holder of a miner's right, and have resided at Kiandra for nearly twenty-two months; I was formerly Clerk of Petty Sessions at Braidwood for above fourteen years; previous to my coming to the Kiandra Gold Field I had resided at Albury as a dealer in stock; I believe that Mr. Cooper, the Sub-Gold Commissioner at Kiandra, has been actuated towards me, in his public capacity, by a spirit of malice and vindictiveness; I know of no reasons, except occasionally commenting upon his public acts in general conversation, more especially as to his treatment of some Chinese on the 26th July last—previous to that Mr. Cooper and I were on friendly terms—and a supposition on Mr. Cooper's part that I had written letters in the public press against him; Mr. Cooper has in every way inflicted annoyance on me, and has taken advantage of his position as a Magistrate to insult; I believe he has employed the police as agents to annoy me; on the 29th July last I was accosted by Sergeant Foley, at the Exchange Hotel, where I reside, who said, "I want to see your miner's right"; I replied "It is strange you should demand my miner's right—by what authority do you demand it?" to which he replied, "I am specially ordered to do so, and if you don't produce it at once I'll take you to the lock-up"; at the moment I was unable to produce it, not being in the habit of carrying it with me, but I added, "If you are ordered to make a prisoner of me, I shall hunt it up from amongst my papers; let me have half-an-hour to look through them, and under any circumstances I will be at the Camp at that time"; he said, "No, you

must come at once"; he was accompanied by Constable Newman, to whom I turned round and said, "This is surely too bad, I am entitled to some little time at any rate"; Newman and Foley consulted together, and Foley said, "Well, you shall have half-an-hour, conditionally that you go to the Camp within that time"; I then searched for my miner's right, and not being able to find it, proceeded to the Camp; on reaching the Camp I asked for Mr. Cooper, and was told he was away; I requested that a constable might be sent for him; the sergeant (Foley) said, "You must come to the lock-up, you are my prisoner"; I asked to sit on the steps till Mr. Cooper's return; he said, "No," called the lock-up keeper, and ordered me into the lock-up: after half-an-hour or so, having asked the lock-up keeper to change my place of confinement, I was permitted to go to the barracks; before being placed in the lock-up I told Foley that, as there was no criminal charge against me, there was no necessity for his acting in such a way, and that I would give bail to any amount for my appearance at the office the next morning; I was first arrested about half-past 3, and Mr. Cooper returned about half-past 6 in the evening; I was then brought before him; Mr. Cooper said, "What is all this?" to which I replied, "You know very well—this is your doing"; on hearing from the sergeant the nature of the charge, he said, "You are discharged, appear here at 10 o'clock to-morrow"; I then requested I might have a miner's right issued to me; next morning I came to the Camp, having spent a long while in searching for my miner's right, about 11 o'clock, or a little after; Mr. Cooper said, "I have issued a warrant for your arrest, as you were not here this morning"; the police were away looking for me; I left the Camp, as Mr. Cooper stated that the case would be tried the next morning; at the time I left the Camp I was not aware that the warrant was in the hands of the police; about 12 o'clock the same morning I was in Carmichael's billiard-room, when I was arrested by the sergeant, and marched back to the Camp; I then requested Mr. Cooper, as a favour, to dispose of the case at once; having handed to him a letter to the effect that I had made search for my miner's right, and unable to find it, that it was mislaid and was still in force, and that as soon as I could find it I would forward it to the Camp—the case was gone into, and the evidence of Foley taken—(*Copy of depositions put in*)—the case ending in my being fined £5, or one month's imprisonment in Goulburn Gaol with hard labour; I then said to Mr. Cooper, who presided in the case, "I have not the amount of the fine with me, not expecting such a penalty as that; leave it until morning, and I shall be here at 10 o'clock"; after some hesitation he consented to do so; I then asked for a copy of the depositions; he said he was not a Clerk of the Bench—if I chose to copy them I could; I did copy them; I sat down copying the depositions; while doing so, Mr. Cooper said, "I am told you have been making rather free comments on my conduct;" to which I replied, nothing more than general conversation, as I considered the bringing the Chinese up in a mob to the Camp had a tendency to create a "roll-up," that I fancied the proceeding ill-advised; some further conversation went on, in which Mr. Cooper repeated something he had heard, stating, "I don't care what anyone thinks of me"; I said, "Well, there are some strange things said of you, that it were well if you did care"; he said, "that Crackenback affair, I suppose"; I said, "Yes, that's one, and the other is your having received £50 from Richard Onion, for permitting him to escape in Rawson's case"; Mr. Cooper said, "I did not get £50 from Onion—he is in my debt £40; I said, "It is no affair of mine—such is the report"; I added, "Onion has apologized to persons for not paying his debts, as he states that he had given this £50 to Mr. Cooper"; I came up to the Camp the morning after I was fined; I was standing at Turner's inn door, near the Camp; I saw the sergeant exactly at 10 o'clock, leaving the barracks, and said "I suppose you want me, sergeant"; he said, "Yes, are you going to pay that money?" I said, "I am going with you to the Camp"; he put his hand on my shoulder, and said, "I arrest you now"; I said "What again?" he said "Yes, you are my prisoner"; I said, "Show me your warrant—your proper duty is to see first if I have any property, and then, in default, make your arrest—let me see the warrant, I am entitled to see that"; he said, "None of your cheek"; however, he produced the warrant, and I read it; I said, "Take it back—it is a precious document, certainly"; I then came up to the office, and paid the money, £5; I am aware that the police sergeant (Foley) and Mr. Cooper have been making frequent inquiries at my place of residence (Kidd's Exchange Hotel), as to whether I was paying my weekly bills, and asking Kidd and others there if they knew how I was living; and I believe the object of doing that was to carry out a further system of annoyance; Mr. Cooper, I know, supplied the Kiandra correspondent of the *Yass Courier*, George Wallace, with the statement of police business for insertion in that paper, and in that, Mr. Cooper designated me as the "Albury Loafer"; the correspondent did not apply this offensive term to me in his report, and told Mr. Cooper his reasons for not doing so; on the 13th November last I was returning to the inn where I reside, at about 6 in the evening; Sergeant Foley and two or three of the other constables were in the street; Foley said, "Mr. MacDonagh, I want to speak with you"; I said, "What is it, sergeant?" and walked towards him; he said, "I want to know how you are making your living"; I said, "That's a strange question"; I said, "it is unnecessary that I should tell everyone how I make a living, and I want to know why you demand to know it"; he replied, "You need not attract any attention—come quietly to the lock-up, you are my prisoner"; I said, "What for?" he said, "No more talk—come on"; I said, "I am damned if I go! show me your warrant"; he said, "I have no warrant—come along," putting his hand out to seize me; he did seize me by the collar, and kept shoving me along the street; I said, "I'll go with you quietly, but let me go over to Kidd's, or tell Mr. Kidd to come to me"; he said, "I'll take very good care you see nobody"; I then asked to send to Carmichael, or any other respectable person in town; he said "No, you shall see nobody"; I said, "Cannot I get bail even?" he said, "You will get no bail, or see nobody to-night—you will be brought before the Court to-morrow"; I was then taken to the lock-up and searched; before going to the lock-up I said to the sergeant, "I have got a man working for me, therefore I don't want to labour myself, as I have numerous ways otherwise of making a living"; I was put into a cell; several persons came to the lock-up during the evening, making inquiries and wanting to see me; I heard the sergeant give the constables orders not to let anyone converse with me; Carmichael sent down to know if he should send me some tea; it was not permitted; he sent a pair of blankets, which I did not get; I was left with a pair of wet, stinking blankets in the cell all night; the next morning I was brought before Mr. Cooper, and the charge was read against me; it was under the Vagrant Act, and for not having visible means of support; the evidence was taken, and a number of witnesses examined, when Mr. Cooper intimated to me that I might retire in custody of the sergeant; the Court was cleared, and Mr. Cooper and Carmichael, the publican, remained together; I was recalled in a few minutes; Mr. Cooper said, "There is a point I have reserved in this case—you are discharged for the present; attend here this day week at 10 o'clock"; I did attend as desired; Mr. Cooper then addressed me—"You appear here in accordance with an order made here this day week; there is not sufficient evidence before me to convict you, or rather to warrant my inflicting punishment upon you for your crime; you are, therefore, discharged"; I then applied for a copy of depositions, and was refused them; on the occasion when I was taken into custody for vagrancy, on being discharged I applied to Sergeant Foley for my watch, gold chain, and some other things that had been taken from me; he said, "I can't give them to you—Mr. Cooper has ordered me to keep them, you had better go to him"; I went to Mr. Cooper and asked for a Magistrate's order to have my property restored; it is my impression that Mr. Cooper said, "I haven't given Foley any order about them"; "If so," I said, "will you be kind enough to give me an order for them"; he said "No, I will not—they had better remain where they are until next week"; I said "It will be very inconvenient for me not to have my watch, as I want to regulate the men's time"; he hesitated then for some time, but at length said, "Well, I'll make no order for it—let them stop where they are"; I said, "I must submit—you can please yourself"; they were finally delivered to me a week after, when I was discharged; on the evening before my last arrest I had been out prospecting and taken up ground, returned home at half-past 9 at night, and it was usual to take out provisions for the day; a small portion of sugar, bread, and meat was found in my pocket,

pocket, and great importance was attached to this circumstance on the examination: within the first month after my arrival £250 was in my possession, and I have expended on Kiandra, in paying wages and purchasing claims, £529 10s., independent of other personal expenses; on the Saturday evening before my first arrest for not having a miner's right, a man named Moriarty called at Kidd's Hotel; I was engaged changing my things, as I had worked all day in water; this man told me it was reported that I intended reporting Mr. Cooper to the Government, that he was deputed to call on me, and tell me that if I did so "to do for me"—or words to that effect; he said, "If you do so, before you know where you are you will be in a water-hole—there are some of the boys who don't like to hurt you, and have sent me to warn you"; I replied, "It gives me enough to do to mind my own business, I haven't yet written a line with reference to Mr. Cooper, and don't intend—at the same time, bear in mind, I am not to be bullied by anyone here"; he said, "Pledge me your word you have not written, and will not write, and nothing shall happen to you"; I said, "What I tell you now is the course I intend to pursue"; and not only have I been personally threatened, but others have been also, in my hearing; I may add, that not being able to procure compulsory subpoenas to insure the attendance of witnesses, the parties are afraid to give their attendance, otherwise I could give other instances of infamous management on this gold field; with reference to Mr. Cooper's report to Mr. Cloete, dated 14 October, 1861, as to the Chinese affair, I now repeat that there were twenty or thirty Europeans following them along the road; there were a number of Chinese detained in the lock-up from one day to the next; the detention of two of these Chinese who held miner's rights, for what I state was the object—that of extorting money—is correct; the assertion put forth by Mr. Cooper in his report to the Government, designating me as a loafer or vagrant, is a positive untruth; with regard to Mr. Cooper's conduct as a Magistrate, I have known telegrams sent from Kiandra to Albury for the arrest of one Onions, when really and in fact no warrant existed.

By Mr. Cooper: Shinnick and another man were working with me when I was arrested for vagrancy. I can give you the names of two men who were working for me when I was arrested on a charge of vagrancy by Foley; with reference to my charge, that on the 26th of July a number of Chinese were rounded up and driven to the Camp, I now state they were driven to the Camp, by a constable with a stock-whip, and that the number confined for a night varied from eighteen to twenty-five—I did say twenty-five in my letter to the Government, and I likewise added, a couple of days without food.

W. A. MACDONOGH.

Sworn before me, at Kiandra, this }
8th January, 1862. }

J. H. GRIFFIN, J.P.

This deponent, *George Wallace*, on oath, saith as follows:—I am the holder of a miner's right, and have lived at Kiandra for twenty-two months; I remember on an occasion in August obtaining from Mr. Commissioner Cooper a police report in Mr. Cooper's handwriting; this report was of police cases heard at the Kiandra Police Office, and in one portion W. A. Macdonogh was designated the "Albury Loafer"; the report was for transmission to the *Yass Courier*; the words "Albury Loafer" did not appear when the paper was printed; I do not believe that since Mr. Cooper has been in sole charge of Kiandra the law has been properly vindicated; I know that a mob at Kiandra have, for the last six months, been rendered notorious by the commission of illegal acts; I don't think Mr. Cooper has done his best to check mobbism; I believe that Mr. Cooper winked at the unlawfulness carried on; Kiandra has not been a safe place to live in; anyone might have been pretty well murdered and no notice taken of it; I knew W. A. Macdonogh at Albury; he was not a loafer at Albury; he was trading in horses, and making up books in Fallon's store; he resided there; I knew him then ten months; I am the correspondent of the *Yass Courier*.

By Mr. Cooper: I have preferred charges against you to the Government; you furnished me twice with police reports; I have not got the papers calling W. A. MacDonogh a loafer now.

GEORGE WALLACE.

Sworn before me, at Kiandra, }
this 9th January, 1862. }

J. H. GRIFFIN, J.P.

This deponent, *Paul Patrick Newman*, on oath, saith as follows:—I am the holder of a miner's right, and have been at Kiandra for some time; I was stationed at Kiandra, where Mr. Sub-Commissioner Cooper was also stationed, for about fifteen months; I was a constable during that time; I remember a telegram being sent to Albury for the arrest of a man named Richard Onyon; Mr. Cooper directed me to send that telegram; it was as follows:—"Warrant issued by the Kiandra Bench for Richard Onyon," then describing his person; I signed the telegram; Onyon, I believe, was arrested; there was neither an information laid nor a warrant in force at the time I sent the telegram by Mr. Cooper's direction, but the complainant, Patrick Cronin, had attached his signature to a blank form of information; I was a constable in July last, at Kiandra, when certain Chinese were brought before Mr. Cooper for not having miners' rights; they were brought up in a mob; a crowd of Europeans were following them; about twenty of these Chinese were confined in the lock-up; some were released in the evening, and some remained in the lock-up all night; if Mr. Cooper has stated to the Government that only two were confined it is incorrect, as the large cell was nearly full; they were treated in the usual way; Mr. Cooper also directed me in August to arrest a man named Stormer; Mr. Cooper desired me to see if Stormer had a miner's right, or business license, and if not to put him in the lock-up; I did arrest Stormer, and confined him; he was released on bail the same evening, and was discharged the next morning by procuring a miner's right; I had no warrant for arrest; Mr. Cooper told me that Stormer had written a letter for some man, complaining of the conduct of the police; I saw the letter; it was signed by Atkinson, and complained of one of the police kicking at his door and directing him to light his lamp; Mr. Cooper directed me to arrest this man Stormer for being the writer of the letter.

By Mr. Cooper: I have preferred complaints against the police to the Assistant-Superintendent and to the Government, about you; you did suspend me on the 1st or 2nd of November; my complaints to the Government were on the 15th of the same month; I was not dismissed, I believe not, at least, on the charge you suspended me on, but to give you, I believe, an opportunity of telling me so; it was for an offence, I believe.

P. P. NEWMAN.

Sworn before me, at Kiandra, }
this 9th January, 1862. }

J. H. GRIFFIN, J.P.

This deponent, *Luke Bond*, on oath, saith as follows:—I am a publican, and have lived at Kiandra twenty-two months; I recollect *W. MacDonogh* being brought before *Mr. Cooper* on a charge of vagrancy; bail was offered, and refused by *Mr. Cooper*; I offered bail; I was solvent at the time; a number of persons told me that they were prepared to offer bail for *W. MacDonogh*; I did not believe him to be a vagrant; I considered *W. MacDonogh* a respectable man; I have always seen *Mr. Cooper* act properly, and have had a good deal of business with him; I only speak of my own house, in which I have seen no rowdyism.

By Mr. Cooper: A man named *Young* and myself were the only two that came for bail for *MacDonogh*; you said the sergeant must make his report before you gave bail, as you had made that a rule.

LUKE BOND.

Sworn before me, at Kiandra, }
this 9th January, 1862. }

J. H. GRIFFIN, J.P.

This deponent, *William Kidd*, on oath, saith as follows:—I am a publican, and have lived at Kiandra about two years; I have known *Mr. MacDonogh* for two years; I believe him to be a respectable man; he resides with me; has resided with me as a boarder for twenty-two months; questions as to how *Mr. MacDonogh* paid his way and was living have been asked me by the sergeant of police, *Foley*, and also by *Mr. Cooper*; I remember *Mr. MacDonogh* being taken up as a vagrant; I understood that he was not allowed bail; he could have been bailed.

By Mr. Cooper: No one in my presence applied to you for bail; a conversation such as this, namely,—“*MacDonogh*, how long are you going to be loafing about my house?” and *MacDonogh*, in reply, saying, “If you can’t afford to keep me loafing, sell your house to some one that can,” never took place; I don’t think I have given instructions to anyone to stop *MacDonogh*’s credit in my house.

By Mr. MacDonogh: Sergeant *Foley*, on the evening of arresting you as a vagrant, did ask about the above conversation; *Mr. Cooper* did not; I told *Foley* no such conversation ever took place.

WM. KIDD.

Sworn before me, at Kiandra, this }
9th January, 1862. }

J. H. GRIFFIN, J.P.

This deponent, *Michael Foley*, on oath, saith as follows:—I am acting sergeant at Kiandra; I have been stationed at Kiandra eighteen months, and in charge as acting sergeant for seven months of that period; I remember, in the month of July last, receiving orders from you to proceed to the Chinese, about half a mile from the barracks, and bring up all Chinese without miners’ rights; I did go down, accompanied by Constables *Quirk*, *McCarthy*, and *Hurley*; I did bring the Chinese up before *Mr. Cooper*; they all came quietly; two Europeans followed us from the Chinese camp, and four or five others joined on the road; these Europeans did not in any way assist in bringing up the Chinese; on arriving at the Camp they were desired to take out miners’ rights, most of them did so, and went away; miners’ rights were paid with the exception of some ten; eight out of the ten were paid for in two hours, the remaining two were in the lock-up all night, for the purpose of inducing them to take out their miners’ rights; they couldn’t pay the next morning, and *Mr. Cooper* said, go about your business and come back when you can pay for miners’ rights; I remember soon after reporting to *Mr. Cooper* that a number of persons were without miners’ rights and business licenses; I was desired by *Mr. Cooper* to see that these persons took them out; I found a number of persons without either; amongst the persons who were mentioned to me as being without a miner’s right was *W. A. MacDonogh*; a constable named *Newman* was with me when I asked *W. A. MacDonogh* for his miner’s right; *Mr. Cooper*’s order was a general order; a number of persons said, “Why don’t you ask *MacDonogh* as well as us for his miner’s right?” saying he had no miner’s right; I went to where *MacDonogh* lived; I met him outside *Kidd’s Exchange Hotel*; I demanded his miner’s right; he said, “Why do you ask me?” I said I was going round to ascertain if people had them; he said, “I have one, but will not show it to you, you have no authority to demand a miner’s right”; I told him if he did not show a miner’s right I would take him into custody at once; he requested half-an-hour to look through his papers, to see if he could find it; I did give him half-an-hour, and told him if it was not produced at that time I would take him into custody; about three-quarters of an hour elapsed, and I went back; on my way back I met *MacDonogh*; I asked him again for his miner’s right, but he refused to show it; I then took him to the Camp; on his arrival at the Camp *Mr. Cooper* was away, and *MacDonogh* insisted on sitting on the Court House steps until *Mr. Cooper*’s return; I told him he might stay in the barracks until *Mr. Cooper*’s arrival, and if he did not stay there I would lock him up; I then gave him into the custody of the lock-up keeper; after the lapse of eight or ten minutes I released him from the lock-up, and detained him in custody in the barracks; *Mr. Cooper* arrived in the evening about five o’clock; I took *MacDonogh* before *Mr. Cooper*, and told him what he was charged with; *MacDonogh* was saucy to me at the time I took him into custody; *Mr. Cooper* did not instruct me to arrest *MacDonogh* if he had no miner’s right; you told *MacDonogh* that he was admitted to bail on his own recognizances until the following morning; the case was called on the next morning at ten o’clock; *Mr. Cooper* postponed the case half-an-hour; *Mr. Cooper* took my evidence; the charge was for being without a miner’s right; *Mr. Cooper* issued a warrant for *MacDonogh* for not appearing at the Court; I went with the warrant to look for *MacDonogh*; he walked up with me, and the case was gone into; *MacDonogh* was fined £5, or a month’s imprisonment in default of payment, to be levied by distress; *Mr. Cooper* gave him until the next morning at 10 o’clock to pay the fine; *Mr. Cooper*, the following morning, issued a distress warrant, when the money (£5) was paid. I remember in the month of November last taking *MacDonogh* into custody as a vagrant; I acted on information received; *Mr. Cooper* did not instruct me to arrest *MacDonogh* as a vagrant; I had been informed that he was a professional loafer, and had no lawful and visible means of support; I had heard that *MacDonogh*, on one occasion, had taken some gold to *Wright’s* store for sale, and when he got payment for gold, he took both money and gold with him; *Cronin*, my informant, also added, that if he (*Cronin*) had been there at the time, in the place of the other storekeeper of *Wright’s*, named *Mohr*, he would have prosecuted him; when I took *MacDonogh* in charge as a vagrant, the case was gone into before *Mr. Cooper* the following morning, and adjourned for a week; there was property found on *MacDonogh* at the time, a watch and chain, &c.; he applied to me for them; I said I would not give up these things until the case was disposed of; *Mr. Cooper* did not order me not to give them up; *MacDonogh* appeared on remand the week following; he was discharged from custody; I gave him up everything then.

By Mr. Barton: Constable *Newman* was with me when I went to bring up the Chinese; none of us had a stock-whip; a hunting-whip handle was in *Newman’s* hands; only a few Europeans followed them up; *Mr. Cooper* did not tell me to see if *MacDonogh* had a miner’s right; I did say I was ordered to see about miners’ rights; I had no warrant; *MacDonogh* was fined £5; I don’t know whether there was hard labour added or not to the sentence; *Mr. Cooper* gave me no instructions to arrest *MacDonogh* as a vagrant; I had no warrant; I have made inquiries as to *MacDonogh’s* mode of living, at *Kidd’s* hotel; I did so on my own account; I am not in the habit of making such inquiries; I have not been influenced by anyone in giving my evidence.

By

By Mr. Cooper: I made inquiries at Kidd's to ascertain myself as to the reports about MacDonogh; the making such inquiries I conceive to be a portion of my duty, to find out if such reports are true or false.

MICHAEL FOLEY.

Sworn before me, at Kiandra, }
this 9th January, 1862. }

J. H. GRIFFIN, J.P.

This deponent, *John Carmichael*, on oath, saith as follows:—*By Mr. Cooper:*—I am a publican, and have lived at Kiandra nearly two years; I have known MacDonogh for two years; I have known him to receive money and obtain money from me under false pretences; I have heard a publican named Riley, in MacDonogh's presence, accuse MacDonogh of getting money and not paying it according to promise; I believe MacDonogh to be a man of no principle; I have had no quarrel with MacDonogh; I have on one occasion heard MacDonogh called a professional loafer; it was to his face; I mean by false pretences, that MacDonogh borrowed money from me on three different occasions and did not repay it; the sums altogether were small; MacDonogh has paid me everything up to yesterday morning.

By Mr. Barton: I have not been spoken to about the evidence I should give; no arrangement has been made between Mr. Cooper and myself that mining disputes should be held in my public-house; Mr. Cooper never spent £1 in my bar; he owes me nothing.

JOHN CARMICHAEL.

Sworn before me, at Kiandra, }
this 9th January, 1862. }

J. H. GRIFFIN, J.P.

This deponent, *Jeremiah D'Arcy*, on oath, saith as follows:—I am the holder of a miner's right, and have lived at Kiandra eighteen months; have known MacDonogh for fourteen months; I have never seen MacDonogh working as a miner; I consider him to be always what I call loafing; I came here to give my evidence voluntarily.

JEREMIAH D'ARCY.

Sworn before me, at Kiandra, }
this 9th January, 1862. }

J. H. GRIFFIN, J.P.

This deponent, *Patrick Healey*, on oath, saith as follows:—I am the holder of a miner's right, and have lived at Kiandra about two years; I have seen M'Donogh in Beechworth and Albury about four years ago; I have seen him frequently on Kiandra for the last eighteen months; I once heard a man named Timothy Maher call MacDonogh a loafer to his face.

PATRICK HEALEY.

Sworn before me, at Kiandra, this }
9th January, 1862. }

J. H. GRIFFIN, J.P.

This deponent, *James Conway*, on oath, saith as follows:—I am the holder of a miner's right and reside at Kiandra; with the exception of some seven weeks' absence in Melbourne, I have resided at Kiandra twenty-two months; I believe that I have been treated by Mr. Cooper with great injustice; I believe that Mr. Cooper has been actuated in his conduct towards me by vindictiveness; on the evening of the 24th of October last, I had a quarrel with a young man, Michael Bourke, whom I designated as a Commissioner's tool, in the public street; Bourke told this to Mr. Cooper in my presence; I believe that Mr. Cooper and Bourke have been very intimate together, so much so, that Mr. Cooper has been influenced in his decisions by Bourke; I also designated Mr. Cooper and Bourke as the reciprocal tools of each other; Mr. Cooper had a private conversation with me afterwards, and I told him that all his decisions were, I believed, unjust; this was on the 24th, and on the evening of the 26th Mr. Cooper sent a telegram to Melbourne, to Captain Standish, the Chief Commissioner of Police there; a reply to which he received on the 30th, four days after, stating that there was a warrant for John Conway, the charge being desertion from the Melbourne police force; I saw that telegram; it stated in reply to your telegram (meaning Mr. Cooper's) of the 26th; on the evening of the 28th October four different messengers told me that I was going to be arrested; the last messenger was Bourke; they all told me I was to be arrested, and Bourke told me particularly, on the evening of the 28th October, that Mr. Cooper had sent to Melbourne for a warrant for me, as a deserter from the police, and that I would get three months' imprisonment, and suggested to me the propriety of leaving Kiandra—which I refused to do; he then told me that he and Goulstone would square it with Mr. Cooper if I thought proper; I told him to tell Mr. Cooper that I would not crouch to him—that he might execute the warrant on receipt of it; this conversation took place in presence of Joseph Flanagan, in the sitting-room of the Empire Hotel; Mr. Cooper was standing at the bar with D'Arcy at the time; I don't know whether he heard the conversation or not; on the evening of the 30th October, Constable M'Carthy came to me and told me that Mr. Cooper wanted me at the camp; I went up with him, and when near the verandah of the Court House, M'Carthy laid his hand on my shoulder, and said, "Jim, I have to tell you that you are my prisoner"; Acting-sergeant Foley was then standing under the verandah; I asked Sergeant Foley what authority there was for arresting me; he produced none, but said I would be told in the morning; about half-an-hour after that, Carmichael, the publican, came to me, and said he had offered bail to Mr. Cooper, and been refused; I was then locked up; during that evening some persons were allowed to see me, but during my imprisonment after, with one exception or two, I was not allowed to see anyone until the morning of my departure; I had no bed to lie on in the lock-up, except the usual filthy blankets; the lock-up was filthy; I was not properly treated the eight days and nights I was there; I asked for a doctor, being ill with dysentery, but the sergeant in charge, Foley, took no notice of my request; on the morning of my departure I was marched from Kiandra, handcuffed, in charge of two constables; I told Constable Griffin to request permission to ride my own horse; this was refused; I was taken to Cooma, where I remained two days; on my arrival in Melbourne I was brought up, and admitted to bail in two sureties of £10 each, or one of £30; my case was twice remanded; I was then fined £5; I returned by Beechworth, paid £5 coach fare, and travelled 160 or 170 miles afterwards to Kiandra; I was seven weeks absent in all, and had I been admitted to bail at first by Mr. Cooper, at Kiandra, I could have returned in three weeks; my claim at Kiandra cost me £28 14s. wages for a man to work my share while I was absent.

By

By Mr. Cooper: I did not state, on the morning of my going to the lock-up under arrest, that unless I liked I need not go into the lock-up; had I done so I believe I should have been quite right; two of my mates never came to the lock-up to try and rescue me during the time I was in the Kiandra lock-up.

JAMES CONWAY.

Sworn before me, at Kiandra, this }
10 January, 1862. }
J. H. GRIFFIN, J.P.

This deponent, *William Henry Baxter*, on oath, saith as follows:—I have been lock-up keeper at Kiandra for some time; I remember Conway being confined in the lock-up; two men came to the lock-up at about ten o'clock at night; they were drunk, and said they wanted Conway, saying he was innocent; they went away directly.

By James Conway: I had a nobbler or two that night; Foley, the acting sergeant, was standing near at the time; I asked him if he would want any assistance; Foley said "No, they will go away presently"; I was before Mr. Cooper, with Foley, on the occasion of this, and I don't remember giving any deposition; I don't think any proceedings were taken against the two men by Foley, for attempt to rescue.

W. H. BAXTER.

Sworn before me, at Kiandra, this }
10 January, 1862. }
J. H. GRIFFIN, J.P.

[Enclosure 2 in No. 19.]

Camp, Kiandra,
13 January, 1862.

Sir,

I have the honor, in compliance with your request, to transmit herewith my statement in reference to the charges preferred against me to the Government by Messrs. Hawkins, MacDonogh, Wallace, Newman, and Conway, and investigated by you during the last ten days.

Hawkins.
Assault and
mining.

The most important of the charges brought against me, by the party named in the margin, I conceive to be, the cutting of his race at a point 100 yards lower down than where Hawkins' race intercepted certain springs, tributaries of Bullock Head Creek, and also my not taking the necessary steps for the punishment of those assaulting Hawkins.

Mining.

I have to state, in answer to the first charge, that on the third occasion of a complaint being brought against Hawkins and party, at the instance of Teggart & Co., for cutting off some springs, tributaries of Bullock Head Creek, the assessors and myself ruled that Hawkins' race should be cut at the point where his race intercepted the springs in question. The order was a verbal one; nor is it customary here for either the Commissioner, when acting alone, or with assessors, to give written orders, excepting when requested to do so. No such request was made on the occasion referred to, until the morning of the investigation. I was not aware of the order to cut Hawkins' race having been improperly carried out. On reference to Hawkins' depositions you will find that he distinctly states that he did not complain to me of his race having been improperly cut.

Assault.

With regard to the assaults committed upon Hawkins, with the one exception referred to in his evidence, when I directed him to report to the police what had happened to him, I know nothing. Hawkins admits in his evidence that he neither asked me for a summons, nor informed me of the name or names of his assailants. The first that I heard of his having been assaulted a second time was through the medium of the *Sydney Morning Herald*.

MacDonogh.

My reason for refusing bail to the party named in the margin was, that at the time the two parties applied to me to bail MacDonogh out, the sergeant in charge had not reported to me the grounds upon which he had arrested him. The arrest of MacDonogh, as proved at the investigation, was without my knowledge or consent.

Conway.

I declined to admit the party named in the margin to bail, on account of his having stated, when brought before me, that he defied me to lock him up, and that he had a force to back him in resisting the law, in addition to shouting and howling in a most unheard of manner. The extremely cautious manner resorted to by the police when arresting him, clearly proves the character of the man they had to deal with.

Wallace.

Of the charges preferred against me by the party named in the margin, I consider only one requires explanation, and that is the case where a man named Collins assaulted Wallace (so he says), when he (Collins) was bound over to keep the peace. On the occasion of Wallace complaining to me that he had been assaulted by Collins, I told him that I would give him a summons; he refused to take it, saying that unless I granted him a warrant he would have nothing; and when he found that I would not give him a warrant he walked away. Wallace had no marks of violence upon him at the time of his making a complaint to me. Collins is a very decent, well-behaved young man; I have never heard anything against his character. Wallace, on the contrary, is always quarrelling with some miner or other.

Newman.

The party whose name appears in the margin was suspended by me, on the 1st November last past, in consequence of his having been detected in forming a conspiracy against the sergeant in charge. Mr. M'Leerie having since inquired into these charges, has dismissed Newman from the police force. I solemnly declare that the charges brought by Newman against me are utterly false, and that in bringing them he was actuated by a vindictive and malicious motive.

James H. Griffin, Esq., J.P.,
Commissioner in charge, Southern Gold Fields,
Braidwood.

I have, &c.,
FREDERICK A. COOPER.

No. 20.

MEMORANDUM OF COMMISSIONER GRIFFIN.

AFTER carefully considering the evidence taken during the Inquiry held at Kiandra, for the purpose of investigating charges preferred against Mr. Cooper, I am of opinion that Mr. Cooper has not been actuated in his proceedings by malicious and corrupt motives, but has erred from inexperience and want of judgment; and this being the first time that his official conduct has been called in question, I would recommend that he be permitted to exchange, and proceed to some other gold field, with the understanding, that in the event of such exchange not being effected within a given period, his removal from Kiandra will be the result.

31 January, 1862.

J. H. GRIFFIN,
Commissioner in charge, Southern Gold Fields.

No. 21.

No. 21.

UNDER SECRETARY FOR LANDS to COMMISSIONER GRIFFIN.

Department of Lands,
Sydney, 22 February, 1862.

SIR,

With reference to your report of the 15th ultimo, upon the charges brought by Mr. Hawkins and others against Mr. Sub-Gold Commissioner Cooper, I am directed to forward you herewith a copy of a Minute of the Secretary for Lands on the subject, which you will have the goodness, as therein directed, to transmit to Mr. Cooper, with a severe reprimand for his misconduct.

2. I am at the same time desired by Mr. Secretary Robertson to draw your attention to the impropriety of taking sworn testimony in a case of this kind, as you appear to have done.

3. I am also to request that you will report when Mr. Cooper, as further directed, has been removed from Kiandra, and to what field, and also what officer you have sent to take his place.

I have, &c.,
MICHL. FITZPATRICK.

[Enclosure in No. 21.]

HAVING read, with much attention, the whole of the very lengthy documents which accompany the report of Mr. Gold Commissioner Griffin, on the case of Mr. Sub-Gold Commissioner Cooper, I had a very strong impression that my proper course in the matter was to recommend the Executive Council to remove Mr. Cooper from the gold service. I became impressed with that view of the matter, notwithstanding the acknowledged difficulties arising out of the matters upon which Mr. Cooper's conduct was called in question. Feeling, however, that much weight ought to be given to the opinion of the gentleman charged with the inquiry, who would have much better means of judging the state of the case, from personally examining the witnesses, than I could from the written report of their evidence, and who, being a gentleman of much experience, and himself charged with the management of the gold fields, I desired Mr. Griffin to give me his opinion generally as to the case, and as to the best course to be pursued. I find, by the document now before me, that Mr. Griffin is of opinion that "Mr. Cooper has not been actuated in his proceedings by malice and corrupt motives, but has erred from inexperience and want of judgment." Mr. Griffin, however, recommends that Mr. Cooper be removed from Kiandra. Under these circumstances, and feeling the grave punishment that dismissal from the service would be, and also the suggestion of Mr. Griffin that this is the first time Mr. Cooper's conduct has been called in question, I desire that Mr. Cooper should have a copy of this Minute forwarded to him, and that he should be severely reprimanded, and informed that any further misconduct will ensure his immediate removal from the public service.—JOHN R.—7 Feb.

Mr. Griffin should be reminded of the impropriety of taking sworn testimony in a case of this kind.—JOHN R.—7 Feb.

Commissioner Griffin, 22 February, 1862.

No. 22.

MEMORANDUM OF COMMISSIONER GRIFFIN.

THE enclosed are forwarded, according to Mr. MacDonogh's wish, expressed in his letter of 22 February, 1862.

Braidwood,
26 February, 1862.

J. H. GRIFFIN,
Gold Commissioner.

The matter must rest under the decision in the case of Mr. Cooper, Sub-Commissioner.—
JOHN R.—11 March.

Gold Commissioner Griffin, 29 March, 1862.

[Enclosure 1 in No. 22.]

Kiandra,
16 January, 1862.

SIR,

The concluding observations of Mr. Sub-Commissioner Cooper, on being asked by you if he had any objection to offer against the issue to me of a certificate for an auctioneer's license, viz., "not now, as this matter has been explained; I was prejudiced against you (M'D), from statements made to me,"—warrants my addressing on the charges lately the subject of your investigation.

You will admit the observation was highly discreditable, coming from an official in his position, clearly showing what an amount of tyrannic oppression individuals may be subjected to by a Commissioner, with an ear ever open to the statements of lying tale-bearers, who, with sinister objects, pander to a depraved and debased mind—the possessor freed from any controlling influence to keep his conduct within the bounds of gentlemanly bearing.

However Mr. Cooper may endeavour to throw the *onus operandis* on the shoulders of Constable Foley, his own admission affords *prima facie* evidence, if not direct proof, that he was the controlling influence and moving power, exercising sufficient cunning to keep aloof from apparent association with his tools. It is admitted that Foley's conduct in the first arrest was illegal. Mr. Cooper acted on that illegality. For not attending punctually to time, within a few minutes, a warrant was issued on that illegality, and subsequently a penalty was inflicted, thus perpetuating illegality.

The

The infliction of the fine was therefore illegal, the whole proceeding being thoroughly so, *ab initio*, finely exhibiting the characteristics of maliciousness, vindictiveness, and ignorance.

Mr. Cooper says in his report on my letter of complaint, that the revenue was largely increased in that particular quarter by the payment of licenses and miners' rights by defaulters. If so, I may assume there were many, and may fairly ask why I, amongst that many, should be the only one subjected to annoyance? I most distinctly deny that I was one of that defaulting body. I was for the moment caught at a disadvantage, not being able, within half-an-hour, to place my hand on a document carelessly laid aside, and pounced upon to gratify a satanic feeling for a supposed offence (writing comments on Mr. Cooper's conduct).

Could I have compulsorily enforced the attendance of witnesses, I could have proved that a person named Hinchcliff, who had written with reference to Mr. Cooper, had been warned by Moriarty, referred to in my depositions, and had at night, within two hours after such warning, to quit the diggings; and further, that Mr. Cooper held a sleeping share in Moriarty's claim.

I mention this to show the disadvantage at which your non-possession of power, by the issue of subpoenas to compel the attendance of witnesses, placed those preferring charges; as, aware from previous acts of tyranny exercised against others, they dare not voluntarily attend, fearful of similar results to themselves.

I have, &c.,
W. A. MACDONOGH.

[Enclosure 2 in No. 22.]

Kiandra, 22 February, 1862.

Sir,

Your letter of the 11th instant, bearing the Post-office stamp of the 15th, and marked "too late," reached me this day.

I regret the letter to which it refers had not reached you earlier, so that it might have been embodied in your report. You will, however, please forward it to the Minister for Lands, with such comment as you may consider necessary.

I have, &c.,
W. A. MACDONOGH.

J. H. Griffin, Esq., G.C.S.G.,
Braidwood.

No. 23.

UNDER SECRETARY FOR LANDS to COMMISSIONER GRIFFIN.

Department of Lands,
Sydney, 29 March, 1862.

SIR,

Referring to your communication of the 26th ultimo, forwarding two letters addressed to you by Mr. W. A. MacDonogh, respecting Mr. Sub-Gold Commissioner Cooper, I am directed by the Secretary for Lands to inform you, that the matter must rest under the decision arrived at in the case of Mr. Sub-Commissioner Cooper, of which you will have the goodness to apprise Mr. MacDonogh.

I have, &c.,
MICHL. FITZPATRICK.

No. 24.

MR. MACDONOGH to SECRETARY FOR LANDS.

Kiandra, 13 March, 1862.

SIR,

On the 10th August last, I forwarded a complaint to Mr. Commissioner Cloete, with reference to the conduct of Mr. Sub-Commissioner Cooper on this gold field.

Mr. Cloete called on Mr. Cooper for a report on such complaint, and thus matters stood till commencement of this year.

From the period of my so complaining up to the 13th November, Mr. Cooper personally, and through the police, as instruments under his control, made me the subject of impertinently offensive inquiries as to my private resources, perfectly aware that the claims on this gold field in which I was concerned, and which absorbed a large amount of capital, had not been paying for some considerable time; and by every means in his power endeavoured to subject me to annoyance—acting, as I have reason to believe, under the erroneous impression that I was the writer of certain letters which appeared in the public print with reference to his conduct; in this way only can I account for his offensive conduct towards me, as, up to the date of the appearance of such letters, I was on most friendly terms with him.

In endeavouring to fix authorship, numerous suspected individuals were subjected to acts of gross injustice on the part of Mr. Cooper, in deciding trumped-up complaints of breach of mining matters, and others to personal violence on the part of a compact mob of ruffians of the very lowest class, with whom he allied himself, and who, for the protection he afforded them, were ever ready to obey his behests.

Thus letters multiplied, and fresh outrages were committed. Individuals were summarily ordered off the diggings as suspected writers; one had to fly at night, after two hours' warning; others had to go armed through the streets, despising the threats, but prepared for the worst. Mr. Cooper was perfectly aware of the whole proceeding. The most prominent individual with whom he was allied, and with whom he held a one-sixth sleeping share in mining matters, was in daily intercourse at the Camp, reporting progress.

On

On the 16th November I addressed you, as well with reference to my complaint forwarded to Mr. Cloete, as also a gross outrage committed upon myself. In that letter I drew your attention to the changing character of our mining community, and the difficulty of proving charges, should unnecessary delay occur on the part of the Government in ordering inquiry. I also stated that I was in a position to prove that Mr. Cooper was a disgrace to the Commission that he held, and, as I now add, he still continues to degrade; and further, that I should submit, to whomsoever you deputed the investigation of the complaints, a series of proofs in support of such charges as I should prefer, contingent on quick action on the part of the Government in carrying out the inquiry.

The manner in which Mr. Griffin conducted the investigation was highly praiseworthy; but independent of his own conduct, the proceeding was little better than a farce.

Those complaining of Mr. Cooper's conduct expected the Government would afford every facility for proof or disproof of the charges preferred against its official, as well in justice to the individual complained of as those preferring complaints; but whether owing to insufficiency of instruction, or a premeditated plan on the part of the Department ordering the inquiry, Mr. Griffin declined issuing subpoenas for witnesses prepared to testify to the several charges; therefore, the inquiry may be said to have partially failed—few by voluntary attendance coveting exposure to the ruffianism perpetrated by the Commissioner and his myrmidon police against those suspected of entertaining opinions at variance with the disgraceful practices of the Camp, although prepared and anxious to testify to the general disorganization, if officially called on.

During the investigation, with considerable difficulty, a memo., as per annexed paper (marked A), was procured from Mr. Griffin; but so soon as the names of the individuals required were mentioned, Mr. Cooper left the room, despatched messengers on horseback to prevent their attendance, informing them that this memo. was not compulsory upon them, and that they had better not attend.

Complainants, therefore, had to contend not only against the want of subpoenas,—the direct instructions thus conveyed, non-attendance to which involved consequences few wished to encounter,—but also a well organized system of terror, wielded by a lawless mob of compeers, Mr. Cooper being present at the nightly orgies when the tactics to be observed in his defence were discussed and arranged.

Doubtless Mr. Griffin has reported on the several charges tendered to him, and the evidence in support; but as there are some (owing to the influences brought to bear by Mr. Cooper and the request of Mr. Griffin) not gone into, I feel, in justice to myself, bound to bring them under your notice, so that I may not be charged with having preferred complaints incapable of proof.

I can assure you (although, for the reasons already given, the proofs were not adduced) the charges can at any moment be clearly proven.

I may state, for your information, that the word "shout," as used by diggers, means calling for drinks for all present, at the individual cost of the person calling.

In charges 10 and 11 I accuse Mr. Cooper of dishonest and disgraceful conduct, and now state the facts:—

On an occasion of an official visit to the Crackenback Gold Field, Mr. Cooper shouted for some seven baskets of champagne, amounting to £35, at the stores of one Rawson, since insolvent, and which was then drunk by the assembled diggers. On being applied to for payment, he refused, intimating that he (Rawson) had no right to sell, and if any attempt were made at enforcing payment, he (Cooper) would have an information filed, under the Publicans' Act, and fine and otherwise deal with him.

If Rawson, as a storekeeper, had no right to sell, it was truly infamous of the Commissioner to indulge himself and some sixty or seventy diggers in a drunken revel, at the compulsory expense of another, and convert the law, which he was sworn to administer impartially and justly, into an instrument of terror against the man he was plundering, so as to avoid the payment of his legitimate debts. And on the same occasion he walked the public thoroughfare of the diggings in a state of *drunken* and *complete nudity*, receiving the plaudits of a drunken crowd for his past legislative services in their behalf!

The administration of justice on this gold field has hitherto been a perfect farce, Mr. Cooper, as Magistrate and deposition clerk, invariably distorting and perverting the evidence of witnesses, in cases brought before him, as suited his purpose, either for gratification of personal malignity or screening offenders from justice—in one instance having received, as publicly stated by the donor, the sum of £50.

I have trespassed largely on your patience, and shall conclude by referring to Mr. Cooper's letter to Mr. Cloete, in which he insolently alludes to me.

Mr. Cooper was perfectly aware he was coolly asserting a deliberate falsehood—asserting it with reference to one who, as the son of a British officer and a gentleman, ever sustained a reputable position for himself.

Mr. Cooper forgot that he was not then writing with reference to the conduct of the son of a convicted felon—one begotten in infamy and nurtured in crime, from whom a different line of conduct might be expected.

I have, &c.,

W. A. MACDONOGH.

I believe the principal charges in this letter have been already dealt with; but perhaps this may be referred to Mr. Griffin.—4.

Approved—JOHN R.—8 April.

[Enclosure in No. 24.]

A.

Memo.

To

Your presence is requested at the Camp, to give evidence in the case, MacDonogh v. Cooper, now being investigated. Mr. Griffin will not be answerable for any expenses.

J. H. GRIFFIN,
G. C.

7 January, 1862.

No. 25.

UNDER SECRETARY FOR LANDS to COMMISSIONER GRIFFIN.

Department of Lands,
Sydney, 17 April, 1862.

SIR,

Referring to my letter of the 29th ultimo, respecting the complaint made by Mr. MacDonogh against Mr. Sub-Commissioner Cooper, I am directed to inform you that Mr. MacDonogh has addressed the enclosed letter to the Secretary for Lands, containing charges against that gentleman, the principal of which seem to have been dealt with; but I am, however, to request that you will have the goodness to report thereon.

I have, &c.,

MICHL. FITZPATRICK.

No. 26.

COMMISSIONER GRIFFIN to UNDER SECRETARY FOR LANDS.

Braidwood, 22 April, 1862.

SIR,

In returning the enclosed correspondence, transmitted to me with your letter of the 17th instant, I have the honor to inform you that every possible facility was afforded by me to the accusers of Mr. Cooper, to substantiate the charges made against that officer, and the fact that any of these charges were not borne out by supporting evidence lies with the complainants to explain away.

2. Was I, the holder of the inquiry, to subject myself to the humiliation of having subpoenas I had no power to issue treated with utter contempt; or did the complainants imagine that I should assume an authority I did not possess, and bully witnesses into the belief that I could commit, as in a Court of criminal jurisdiction?

3. The Crackenback charges were made by Newman, then a constable in the Kiandra Police Force, and had reference to events occurring twelve months before, the chief evidence of which—Rawson and Onyons—could not be produced; and it does seem unaccountable that no steps were taken to expose, what Mr. MacDonogh justly characterizes (if they really happened) as “disgraceful proceedings,” until all the parties concerned quarrelled about something else twelve months after.

4. I cannot conclude these observations without remarking, that the consideration of whether either complainant or defendant was, as Mr. MacDonogh says, the son of a British officer, or the offspring of a convicted felon, had no weight whatever with me, and I hope never will have.

I have, &c.,

J. H. GRIFFIN,
Commissioner in Charge, Southern Gold Fields.

Satisfactory information.—JOHN R.—9 May.

No. 27.

UNDER SECRETARY FOR LANDS to MR. MACDONOGH.

Department of Lands,
Sydney, 16 May, 1862.

SIR,

In reply to your letter of the 13th March last, making sundry charges against Mr. Sub-Gold Commissioner Cooper, and also complaining of the manner in which the inquiry into the said charges was conducted, I am directed to inform you that Mr. Gold Commissioner Griffin having been called upon to report on the said letter, states that he gave every facility in his power to the accusers of Mr. Cooper to substantiate the charges made against that officer, but that they were not borne out by supporting evidence.

I have, &c.,

MICHL. FITZPATRICK.

No. 28.

No. 28.

MR. S. HAWKINS to SECRETARY FOR LANDS.

Kiangra, — May, 1862.

SIR,

I beg to transmit herewith copies of a series of charges which I preferred against Mr. Sub-Commissioner Cooper, of Kiangra, at the investigation which was held into his conduct in January last, by J. H. Griffin, Esq., Chief Commissioner of the Southern Gold Fields. To these I have added the charges of Messrs. Newman and Wallace, which I have copied from the public prints. Many other charges of the gravest nature were brought before Mr. Griffin by other parties; but as they have not been published, I am not in a position to state them, and only allude to the fact to show that my allegations are not the solitary complaints of one isolated and discontented individual, but that they are but a portion, and a portion only, of the many accusations which have been made against Mr. Cooper by several distinct parties, most of whom were, up to the time of the investigation, absolutely unknown to each other.

I have applied to the Government for a copy of Mr. Griffin's Report, and also for the evidence adduced at the inquiry, but my request has been positively refused compliance with. No action has been taken by the Government, and, with one exception, every question has to this day been left undecided. From this continuous uncertainty on disputed points of mining law I am still subjected to endless disputes, entailing unceasing litigation, perpetual annoyance, and loss. Ten months ago I applied to Chief Commissioner Cloete for a decisive settlement of these vexed questions; I then addressed myself to the Minister for Lands, but only succeeded in getting official acknowledgments, curt, evasive, and ambiguous. After much procrastination an inquiry was at length instituted, partial in its operation, one-sided, and unfair; conducted with closed doors—everything that transpired was guarded with the most jealous secrecy. In the interval of five months' delay many of my witnesses left, thus diminishing my opportunities of proof. The limited powers with which Mr. Griffin was invested rendered the elucidation of the truth a task of no ordinary difficulty. No subpoenas could be obtained, which alone could have compelled the attendance of unwilling and frightened witnesses, and which alone could have rendered the investigation either searching or complete. Mr. Cooper took special care to inform the witnesses whose evidence he knew would damage his case, that if they chose to absent themselves there was no power to enforce their attendance; by these means the difficulty of obtaining the proofs of the validity of many charges was still further increased. The refusal to issue these subpoenas was a direct and positive assistance to Mr. Cooper; he could command the presence of his witnesses who had nothing to fear; mine, on the contrary, were subjected to open intimidation and secret threats of his unscrupulous partisans, with the avowed intention of defeating the objects of the inquiry. Under these circumstances the timid and the cautious could not be induced to appear, and I was consequently driven to rely almost solely upon those who had already publicly opposed or condemned his conduct. As an instance of the audacious manner in which the witnesses were threatened, I may state that one of the leaders of the mob, at the door of the Court, almost in the hearing of Mr. Griffin himself, expressed a determination of "jumping my guts out," his words being loudly applauded by numbers of his followers. This man has committed frequent assaults, and is now bound over to keep the peace. If the evidence in support of any of my charges should be considered weak, I answer that it was the want of subpoenas alone which prevented the production of proofs on every point, which would have been crushingly conclusive. I do not complain of Mr. Griffin; I willingly admit that his conduct was characterized by the strictest impartiality; but, at the same time, I cannot but conceive that the instructions by which he was governed were manifestly unfair towards me. They practically afforded Mr. Cooper every facility for stifling inquiry, and preventing the appearance of dangerous witnesses, whilst they effectually deprived me of all external support, and divested my witnesses of the shield which compulsory attendance would afford them—to expose them to the brutal outrages of an exasperated mob, who had sworn at all hazards to exculpate their protector. Yet, in spite of these obstacles, in the teeth of a determined and organized opposition, I still succeeded in maintaining the truth of my charges. To the evidence obtained under all these disadvantages, I can triumphantly point in confirmation of my assertion. If Mr. Cooper is guiltless in these matters, in justice to him let the evidence be produced, let him be exonerated from even the suspicion of ill doing—secrecy and silence will never be accepted as proofs of innocence. If he is guilty, then I maintain that justice to myself, and to the miners generally, demands that this evidence should be forthcoming.

That I have been wilfully, deliberately, and systematically wronged, I need neither depositions nor report to demonstrate. The whole of these disputes originated in the refusal of Mr. Cooper to comply with a request which he was bound to accede to, viz., to compel the holders of conflicting rights to measure their water by the legal gauge enjoined by the Government; for reasons best known to himself, he steadfastly and obstinately declined to enforce this regulation. Nearly the whole of my losses are traceable to this one cause. This fact was so obvious, the justice of my request so undeniable, that Mr. Griffin, without even waiting to report to the Government, immediately ordered Mr. Cooper to see that this very regulation should be henceforth literally adhered to. After five months' deprivation of my officially guaranteed right, which upon this point alone involved a loss of upwards of £500, I obtained from Mr. Griffin the immediate recognition of the all-important claim which Mr. Cooper had so long and so pertinaciously withheld. The regulation, No. XIX, runs thus:—
"Such water shall be measured by a plank sluice head, having a sectional area of twelve inches

inches by one, with a fall of one in twenty-four." It never was complied with, and the consequence was, that after the expenditure of my capital, I was robbed and defrauded of the very source of my income. This complaint is embodied in charge No. II, case C.

I will now pass on to another point, which was admitted at the investigation, and state the case as it occurred, in all its naked folly and injustice. Mr. Cooper had sent me a written order, directing me to turn out my water to supply a party whose race headed *above* me; for them to have obtained it, it must have run *up-hill*. In spite of the palpable absurdity, the manifest injustice of this order, he still compelled me to surrender it, upon the monstrous plea that the supply of this party was deficient. Shinnick, one of the men for whose supposed benefit this order was given, himself admitted in evidence that he was aware at the time that he never could receive it; that he nevertheless still insisted upon my obeying the order. Let his depositions be produced, and my assertion will be substantiated. This was in the month of August, the depth of winter. In consequence of the abstraction of the water the frost penetrated the embankments, seriously injuring them in some places, and utterly destroying them in others. Similar embankments in the same places, belonging to other races, were preserved from injury by the running water. In addition to this, four miles of the race were completely blocked up and obliterated by drifting snow, a result which in other cases was likewise prevented by running water. Whilst the snow continued, the damage was irreparable. An additional loss of upwards of £200 was entailed from the operation of this senseless and arbitrary order. This complaint is contained in charge VI, and case E.

Having now patiently waited for nearly twelve months; having unsuccessfully attempted every available means of redress; knowing the uselessness of appealing to the Courts of Law against an officer armed with an undefined, irresponsible authority, and protected by sweeping discretionary powers; my property having been wantonly injured, my admitted rights forcibly withheld, half ruined by the vindictive persecutions of a Government official, who has habitually prostituted the judicial powers with which he has been intrusted, for the disgraceful gratification of his private malice; having sustained losses and damages to the extent of £800, solely attributable to his flagrant violations of duty; perceiving no other hope of redress, I have, as a last resort, determined upon appealing to Parliament for that reparation and restitution which it would be vain to seek for elsewhere.

I would respectfully urge you to lend me your assistance and support in my endeavours to obtain the *whole* of the correspondence relating to the complaints against Mr. Cooper, together with the depositions of the witnesses, and the report of Mr. Griffin upon the late inquiry. If these papers are once printed, I will engage that an exposure of a series of the most incredible malpractices will be the inevitable result. If the charges are unfounded, their publication cannot possibly injure the character of an innocent individual, whilst every attempt to withhold them will assuredly be construed into an admission of their truth.

If, from a perusal of these statements, it should appear that I have been wronged, if a subsequent perusal of the depositions taken at the inquiry should strengthen the conviction, if it can be shown that the Government neglected for five long months to take any measures to relieve me from that wrong, though frequently urged to action both by the Member for the Southern Gold Fields and myself; if it can be shown that Mr. Griffin himself admitted the wrong, and took immediate measures to prevent its recurrence upon the gauge question—the question upon which all these mining disputes binged; if it can be shown that even now, after the lapse of ten months, that every other question has been left undecided, thus perpetuating a never-failing source of loss, litigation, and ill-will;—if these statements can be shown to be unanswerable, then I confidently appeal to the justice of Parliament to grant me compensation for losses which have been unjustly inflicted by an irresponsible individual arbitrarily wielding the delegated authority of the Government of the country.

I have, &c.,
SAMUEL HAWKINS.

[Enclosures in No. 28.]

The following are the charges which were prepared by G. B. Barton, Esq., Barrister-at-law, who conducted the case on the part of Mr. Hawkins:—

I, Samuel Hawkins, for nine years a miner on the Australian Gold Fields, and for the last sixteen months a resident of Kiandra, having forwarded to the Government various charges against the above-mentioned F. A. Cooper, and having at length an opportunity afforded me of publicly confirming them, do hereby make the following specific charges against him:—

No permit or transfer.

1. I charge Mr. Cooper with having, in direct violation of the provisions of the Gold Fields Regulations, allowed a miner to hold a water privilege, without a permit for the same, or any transfer of a permit; and to use such water to the detriment and injury of other miners legally entitled to the same.

No gauge.

2. I charge Mr. Cooper with having, in direct violation of the provisions aforesaid, neglected and refused to direct certain miners, possessing priority of right, and complaining of shortness of water, to measure their supply by a gauge, when called upon to do so by the holders of conflicting rights, and allowing to pass for a legal and proper gauge that which was no gauge at all.

Fine for order not communicated.

3. I charge Mr. Cooper with having inflicted on myself and my partners a fine, for not having obeyed an alleged order made by him, although such order had never been communicated to us.

One assessor a partner of plaintiff.
Order reversed.

4. I charge Mr. Cooper with having carried into effect a decision made by two assessors, although it was made known to him that one of such assessors was a partner of the plaintiff.

5. I charge Mr. Cooper with having carried into execution an order made by him, notwithstanding such order had been reversed by his superior officer, Mr. Commissioner Scott, and such reversal had been duly notified to him.

6. I charge Mr. Cooper with having made an order vexatious, absurd, and impossible to be carried out, to wit, that I and my partners should turn the water out at the head of our race, in order to let it flow into the head of another race, to do which would require us to reverse the natural flow of water in a creek; all explanation on our part being superciliously rejected. Order impossible.
7. I charge Mr. Cooper with having refused to grant an adjournment of a trial, in which I and my partners were defendants, in order to obtain necessary and indispensable witnesses, notwithstanding the expressed desire of one of the assessors that such adjournment should be granted. Refusing adjournment.
8. I charge Mr. Cooper with having habitually heard and decided cases in public-houses, without any reason or necessity for so doing; with having kept no record of cases decided, orders made, or damages awarded; and when the said public-house was the daily resort of the members of a notorious mob, who unrestrainedly intimidated the peaceful portion of the community. Courts in public-houses.
9. I charge Mr. Cooper with having refused me protection when I was in personal danger, and requested such protection; with having sanctioned and allowed, if not instigated, a succession of brutal assaults to be made upon me by a ruffianly mob, two of which assaults took place in the bar room of a public-house to which he had summoned me; and with having directed the police to get out of the way, as the mob were about to attack me. I declare that Mr. Cooper, in his evidence on the recent hearing of a certain indictment filed by him against one Dixon, of Cooma, for libel, was guilty of corrupt and wilful perjury. Assaults.
Perjury.
10. I charge Mr. Cooper with having vexatiously summoned me to appear before him on unfounded charges, knowing at the time that I was no way interested or concerned in such charges. Vexatious summons.
11. I charge Mr. Cooper with having, in mining cases in which I was concerned, selected assessors whom he knew were bitterly prejudiced against me. Prejudiced assessors.
12. I charge Mr. Cooper with having habitually conferred with the assessors during the deliberation of their verdict. Conferring with assessors.
13. I charge Mr. Cooper with having neither maintained, nor endeavoured to maintain, any check or control over his police: with sanctioning and allowing, and frequently instigating, the commission by them of grossly illegal acts, to wit, of arresting and dragging to the lock-up without warrant, and on unfounded charges; of breaking into private houses on frivolous pretexts, and of allowing murderous assaults to be committed in the open street, in broad daylight, without the slightest interference on their part; and I declare that the police, instead of being a source of protection to the peaceable and well-disposed, are a source of terror and of dread; and that they are, notoriously, the aiders and abettors of a lawless mob, whose hitherto uninterrupted career of brutality has been the disgrace and ruin of Kiandra. Police.
14. I charge Mr. Cooper with having, during his sole administration of the Kiandra Gold Fields, habitually aided and abetted a mob of lawless ruffians, commonly known as the "Irish mob," who have long been notorious in Kiandra for their wanton violation of the law and incessant breaches of the peace; who have openly avowed themselves the partisans and defenders of Mr. Cooper; who have not only threatened to assault, but have actually assaulted, persons who presumed to question the legality of Mr. Cooper's proceedings; who have been guilty of almost daily assaults; who have never been interfered with in their unlawful acts by the police, or brought up for trial before Mr. Cooper. And I swear that these men, knowing that they have the sanction of Mr. Cooper and the police, exercise great intimidation over peaceable and respectable miners and others; that life itself is scarcely safe among them, and that a revolver has become a necessary part of daily attire. In short, that law has been laid aside, and mobism has reigned triumphant. Irish Mob.
15. Finally, I charge Mr. Cooper with having, by a series of illegal and unjust decisions in cases involving mining law, deprived myself and my partners of the benefit of ten months' incessant labour in the construction of a race, which entailed an expenditure of little less than £2,000, and which was completed in the face of great natural difficulties, by refusing to allow us to hold and enjoy the water to which we were by law entitled, and by granting such water to others—whereby we have been brought to the verge of absolute ruin; and I accuse Mr. Cooper of having been actuated in his conduct towards me by a spirit of malice and vindictiveness, unworthy of a gentleman, and disgraceful to a Magistrate. Ruined by decisions.
Vindictiveness.

The foregoing charges, so far as they relate to questions of mining law, originate in, and are proved by, the following cases:—

- A.—29 July, 1861.—Complaint was made to Mr. Cooper by two miners, named Yates and Taggart, that their supply of water was insufficient, and calling upon us to supply the deficiency. The complainants had no gauge. Mr. Cooper, having summoned two assessors, decided that we should turn out two and a half inches of water at the head of our race. We complied. Yates & Taggart v. Maxwell.
Assessors—
Speck & Young.
- B.—31 July.—Complaint was again made to Mr. Cooper by the same parties, that their supply of water was still insufficient. They alleged that although their permits specified merely two sluice heads, they had, in their application for a permit, asked for two ground sluice heads. The complainants had no gauge. Mr. Cooper, having selected two assessors, decided that two sluice heads meant two ground sluice heads, and ordered us to turn out all the water at the head of our race. We complied. Yates & Taggart v. Maxwell.
Assessors—
Dunroes &
Moriarty.
- C.—1 August.—I informed Mr. Cooper that a miner, named Speck, was using water to our prejudice, without holding any permit for the use of water, or any transfer of a permit. I requested Mr. Cooper to call upon the said Speck to prove his right to the use of water, and, in the event of his doing so, to place the regular gauge at the head of his race, as directed by the Regulations. Speck was present at the Camp when I made these demands, and he thereupon admitted that he had neither permit nor transfer; but pleaded that he was formerly a partner of certain miners who cut the race, and who held permits, but who never transferred them to Speck. These men had abandoned the race for several weeks. Mr. Cooper decided that Speck should continue to use the water as before, and without employing a gauge. Hawkins v.
Speck.
- D.—2 August.—Complaint was again made to Mr. Cooper by the said Yates and Taggart, that their supply of water was still insufficient, and again calling upon us to supply the deficiency. They alleged that we were using water flowing from certain springs intercepted by our race, about a mile from its head, which was available for their purposes. Mr. Cooper, having selected two assessors, awarded damages against us to the amount of £8, or seven days' imprisonment. This was for being in possession of a flow of water, miserably insignificant in itself, which we were never ordered to resign. Previous to the expiration of the seven days, we discovered that one of the assessors, named Shinnick, was a partner of the complainant Yates, and gave immediate notice of the fact to Mr. Cooper. In addition to this, a telegram was received by one of our friends from Mr. Commissioner Scott, in reply to one forwarded to him, questioning Mr. Cooper's decision that two sluice heads meant two ground sluice heads, which stated that, "unless specially marked ground, all sluice permits are for one box head only." This was also communicated to Mr. Cooper; but, in defiance of both facts, Mr. Cooper declined in any way to alter the verdict. Yates & Taggart v. Hawkins and Maxwell.
Assessors—
Shinnick &
Moriarty.
- E.—6 August.—Complaint was made to Mr. Cooper by a miner, named Shinnick, that his supply of water was insufficient, and calling upon us to supply the deficiency. We complied, but protested against the order, on the ground of its absurdity; as, from the relative position of the heads of the races in question, none could by any possibility flow from our race into Shinnick's, unless it flowed up hill—up a creek whose natural course was down the mountain. Mr. Cooper, however, paid no attention to our representations. In consequence of this order, no less than four miles of our race became blocked up with snow, and the embankment in three places destroyed by frost. Shinnick v.
Hawkins and
Maxwell.
No assessors.

F.—

D'Arcy v.
Hawkins.
Assessors—
Spiers & Felix.

F.—22 August.—Complaint was made to Mr. Cooper by a miner named D'Arcy, the successor of Taggart, that his supply of water was insufficient, and calling upon us to supply the deficiency. At that time the creeks were in a state of flood, and all the races, ours amongst them, were flooding over. The summons to attend was served upon us scarcely two hours before the trial took place; we were consequently unable to produce any witnesses. The case was heard, as usual, in the Empire Hotel, which, as usual, was crowded with men whom we knew were prejudiced against us. We requested an adjournment till next day, to procure our witnesses, but Mr. Cooper refused to grant it. We objected to the assessors as prejudiced, but Mr. Cooper overruled the objection. One of the assessors expressed an opinion in favour of an adjournment, but his opinion was set aside. The complainant had no gauge. Mr. Cooper would not direct a gauge to be placed. The verdict, as expressed by Mr. Cooper, was "£20 by ten o'clock to-morrow morning, or three months' imprisonment." The fine was paid.

Having now for two months obeyed a series of decisions which we knew to be contrary to law, which had left our race entirely empty, and had entailed the most serious injury upon us, we at length thought it useless to attempt resistance in any shape or form. I, on behalf of my party, had addressed two letters to the *Sydney Herald* on the subject, but not until I had appealed to Mr. Commissioner Cloete, Mr. Robertson (the Minister for Lands), and to various Members of the Legislature. Those appeals were in vain. Legal assistance was beyond our reach, and we felt that nothing was left to us but patiently to await the hour of redress.

Haley v.
Hawkins.
Assessors—
Potter & Morrell.

G.—22 November.—Complaint was made to Mr. Cooper, by a miner named Haley, a partner of Speck, that his supply of water was insufficient, and calling upon us to supply them. The complainant had abandoned his race for upwards of fourteen days, and was therefore not entitled to make complaint at all. Moreover, the complainant had no gauge, and Mr. Cooper would not order him to place one. We were fined £10. I admit that, a few days previous to the trial, one of my partners, named Maxwell, had turned the water into our race, but the quantity flowing was very small.

Previous to this trial I had notified to Mr. Cooper that I had transferred my interest in our claim. Notwithstanding this I was summoned to appear.

D'Arcy v.
Hawkins.
Assessors—
Potter & Morrell.

H.—22 November.—Complaint was again made to Mr. Cooper by the before-mentioned D'Arcy, that his supply of water was insufficient, and again calling upon us to supply the deficiency. In this case, as in all others, the complainant had no gauge. In this case, as in all others, Mr. Cooper declined to make him place one. We were fined £9. At the hearing of this case, which took place at the Camp, the police would not allow several parties to enter the Court—we knew not why. I am ready to admit that, in the last two trials, Mr. Cooper, having heard of our dissatisfaction at his sitting and conferring with the assessors, intimated that, if we objected to it, he would not do so. We thought it, however, by this time, useless to avail ourselves of the privilege.

I.—Finally, I, Samuel Hawkins, upon my oath, make this solemn declaration:—I solemnly and sincerely declare that I have brought the above charges and accusations against Mr. Cooper, not from a malicious or vindictive feeling, but simply and solely to vindicate justice and procure redress. That I am entitled to redress will, I think, scarcely be disputed. With the experience I have had as a miner, I cannot be supposed ignorant of the mining laws. I am not willing to make rash charges, but I maintain that Mr. Cooper, impelled originally either by his ignorance or his interest, and subsequently, by his ill-feeling towards myself, has invariably decided not only against me but against the law. He will, doubtless, endeavour to shelter himself behind his assessors; that endeavour will be in vain, for those assessors were, almost without an exception, simply his adherents and his tools. As I have said, I appealed by letter (though Mr. Cooper told me I had no appeal, not even to the Governor) to the Chief Commissioner and the other authorities. Those appeals produced me nothing but official replies. No lawyer was within our reach. I was thus driven to the Press—the last and most effectual resort of the injured and oppressed. This was nearly six months ago; but no sooner was my first letter to the *Herald* read on Kiandra than I became a marked man. Previously to that I was almost an entire stranger to Mr. Cooper; I had seldom or never represented, or publicly acted for, my party; but ever afterwards I was invariably selected by him to represent my associates, and to bear the chances of imprisonment. His unscrupulous adherents, of whom I have already spoken as the notorious "Irish mob," knowing they had nothing to fear from the law, seized every occasion to assault me—twice on two successive days was I assaulted by them—avowedly, for "writing bloody letters;" twice was I knocked down and kicked. These assaults took place with the knowledge and sanction of Mr. Cooper, and, I believe, at his instance. The evidence already before the Court warrants me in forming this belief, even had I no other and more positive proof of it. Since these assaults took place I have never ventured, except when absolutely compelled, to pass through the streets of Kiandra; and then I have carried a loaded pistol in my pocket. I knew well it was equally in vain to look to the police for protection or to Mr. Cooper for redress. The perusal of the cases above stated, will, I think, lead any impartial person, with a knowledge of mining law, to the irresistible conclusion that there could not have been fair play towards me. Every case, without exception, was decided against me; and every case, without exception, exhibits some flagrant violation of the law. I am convinced that almost all those complaints were brought against me solely from a knowledge that I was obnoxious to the Commissioner. The complaints themselves were unfounded; and had they been brought before an impartial Commissioner, would have resulted in punishment rather to the complainants than the defendants.

The sole argument in their favour was priority of right; but I need not point out that priority of right is not the sole point to be considered. I submit that, for miners to complain of shortness of water, without proving it by a gauge, is a novelty in mining transactions. I submit that, for a Commissioner to decide that no gauge is necessary in the settlement of such disputes, is a novelty in the administration of mining law. I submit that the so-called "gauge," placed in our opponents' races, with the sanction of Mr. Cooper, consisting of a mere box, heavily covered with earth, whose sole object and effect is to increase the force and current, as well as volume, of the water, is a decidedly novel method of measuring the supply of water. However, the law respecting gauges is but one law openly and unblushingly violated by Mr. Cooper. I cannot, then, but consider that we have been robbed of our property, and defrauded of our legal rights; and of that robbery and fraud I accuse Frederick Augustus Cooper.

Wallace v.
Cooper.

On Thursday morning Mr. George Wallace preferred the following five charges against Mr. Cooper:—

1. That he acted partially towards one Timothy Collins, in dismissing a charge of assault when proved that he (Collins) did intend to do grievous bodily harm, in the month of October last.
2. That he acted wrong in November last, in refusing a warrant to apprehend Timothy Collins, who committed an assault a second time, and while he (Collins) was bound over to keep the peace.
3. That he acted wrong in October last, in giving to one Timothy Collins part of a river claim he had previously given a permit for, and also in giving him the wheel, pump, and tail race.
4. That he acted wrong in disallowing a partial register of two claims for fourteen days, by ordering on the full complement of men or the claim would be jumped.
5. That he precluded the use of a water permit, (and that to Sunday, the 3rd November,) either to give Timothy Collins the power of enjoying such use, or allowed Timothy Collins to present the same as a forgery, without arresting him.

On

On Saturday last, Mr. Paul Patrick Newman, for fifteen months a member of the Southern Patrol, and for six months stationed in the district of Kiandra, preferred the following charges against Mr. Sub-Commissioner Cooper:—

Newman v.
Cooper.

1. I accuse Mr. Cooper of having, since he has been in sole charge of the Kiandra Gold Field, neglected to assert his authority as a Magistrate, and of having unlawfully and unjustly abused his power as such Magistrate. I declare, and will prove, that since he has been in sole charge in Kiandra, law and justice have been laughed at and despised; that a lawless mob, composed of the very lowest class on the gold field, have held indisputable sway and authority; that this mob, unchecked by Mr. Cooper, have been in the habit of committing the most brutal, cowardly, and murderous assaults upon helpless unoffending men; that these illegal acts have been committed with the knowledge and sanction of Mr. Cooper; and, finally, that neither he nor the police under his charge have ever exerted the powers committed to them by law for preserving peace or the maintenance of order.

2. I accuse Mr. Cooper of having, while I was a member of the Police Force stationed on Kiandra, informed me that the before-mentioned mob were about to assault and beat a miner named Samuel Hawkins (before and since a stranger to me), for having written a certain letter to the *Sydney Morning Herald*, complaining of Mr. Cooper's illegal acts, and of having ordered me to keep out of the way, and not to interfere, while the same assault and battery was being committed; and also of having, when I informed him that the said Samuel Hawkins had been beaten, laughed at it, totally omitting to bring the offenders to punishment.

3. I accuse Mr. Cooper of having written a letter to a certain storekeeper on Kiandra, named Michael Bourke, directing him to get certain ruffians under his influence to assault and beat a certain resident on Kiandra named John Cohen, a jeweller, because the said John Cohen had sought legal assistance to relieve him from a fine he believed to be illegal and unjust.

4. I accuse Mr. Cooper of having employed the police to spy into the private affairs of certain residents of Kiandra, who had rendered themselves obnoxious to him by their protests against his illegal conduct as a Magistrate and a Commissioner, in order that charges might be trumped up against such persons, and thereby to enable Mr. Cooper, acting as such Magistrate as aforesaid, to sentence such persons to lengthened imprisonment; and also of having employed the police to gratify his malicious, vindictive spirit.

5. I accuse Mr. Cooper of having directed me, a policeman acting under his orders, to procure certain miners to assault and beat a certain Charles Dixon, the printer and publisher of the *Monaro Mercury*, because the said Charles Dixon had, in such paper, published an article headed "Scenes on Kiandra," reflecting on and ridiculing Mr. Cooper's conduct as a Magistrate and Commissioner.

6. I accuse Mr. Cooper of having suspended me from my office as a member of the Southern Patrol, without possessing any power or authority whatever for so doing, purely to gratify a malicious policy.

7. I accuse Mr. Cooper of having, while at the Crackenback Gold Field, in the month of January, 1861, demeaned himself in a manner that must for ever deprive him of the name of gentleman.

8. I accuse Mr. Cooper of having, on the same occasion, in the last place mentioned, been guilty of an act of deliberate fraud.

9. Finally, I, Paul Patrick Newman, upon my oath make this solemn declaration, and solemnly and sincerely declare that I bring forward the above charges and accusations against Mr. Cooper without any malicious or vindictive feeling. It is true that Mr. Cooper, on the 2nd November, 1861, thought "fit" to suspend me from my office as policeman; but that suspension being invalid has entailed little or no injury on me. And I conscientiously declare, that long previous to such suspension, I had resolved to do what I have now done; and it is from no wish to revenge myself that I now accuse Mr. Cooper, but solely and entirely from a sense of duty, and disgust at the infamous manner in which he has abused the authority and disgraced the dignity of his position.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

BANK LIABILITIES AND ASSETS.

Ordered by the Legislative Assembly to be Printed, 27 May, 1862.

GENERAL ABSTRACT of the Sworn Returns, rendered pursuant to the Act of Council, 4th Victoria, No. 13, of the Average ASSETS and LIABILITIES, and of the CAPITAL and PROFITS, of the undermentioned BANKS of the Colony of New South Wales, for the Quarter ended 31st December, 1861.

BANKS.	LIABILITIES.					ASSETS.						CAPITAL AND PROFITS.				
	Notes in Circulation.	Bills in Circulation.	Balances due to other Banks and Branches.	Deposits.	Total Liabilities.	Coin.	Bullion.	Landed Property.	Notes & Bills of other Banks.	Balances due from other Banks.	Notes and Bills Discounted, and all other Debts due to the Banks.	Total Assets.	Capital paid up.	Rate per Annum of last Dividend.	Amount of Dividend.	Amount of Reserved Profits at the time of declaring such Dividend.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
New South Wales	222,981 18 5	10,039 19 1	22,224 15 3	1,408,978 19 3	1,669,225 12 0	408,474 18 6	12,006 12 2	46,575 9 4	14,392 13 4	778,999 3 3	*1,439,538 7 1	2,694,077 3 8	750,000 0 0	15 ¼ cent.	56,260 0 0	221,604 11 5
Commercial	165,863 12 4	3,178 19 10	13,666 12 7	935,283 17 5	1,117,513 2 2	193,051 9 6	59,164 16 11	23,661 3 6	19,834 18 3	81,279 11 11	1,147,285 12 5	1,627,790 12 6	320,000 0 0	14 ¼ cent.	22,400 0 0	65,132 18 1
Australasia	75,428 0 1	4,923 3 2	282 3 11	497,766 12 5	578,390 19 7	127,645 11 4	.....	42,641 0 0	5,748 8 7	1,477 11 6	469,241 10 4	646,754 1 9	900,000 0 0	10 ¼ cent.	45,000 0 0	296,206 14 6
Union of Australia	61,880 2 4	12,059 6 6	218 7 3	484,954 17 7	559,112 13 8	191,535 19 1	7,493 7 7	13,870 15 10	4,279 14 5	3 17 0	369,094 15 8	586,278 9 7	1,000,000 0 0	12 ¼ cent.	60,000 0 0	275,435 12 0
Australian Joint Stock	180,223 6 2	4,649 8 2	18,814 3 1	646,033 16 9	840,720 13 2	190,225 7 3	2,344 8 8	45,361 9 4	14,986 17 2	54,810 0 4	933,449 4 4	1,211,197 7 1	375,000 0 0	8 ¼ cent.	15,000 0 0	17,933 13 3
London Chartered of Australia	12,106 6 2	384 6 10	.....	72,447 2 11	84,937 15 11	32,605 4 10	.....	23,084 18 4	694 14 2	.....	132,655 10 11	348,950 9 3	925,000 0 0	8 ¼ cent.	30,000 0 0	88,967 11 5
English, Scottish, and Australian Chartered	27,715 6 1	2,218 6 0	.....	309,690 12 6	339,624 4 7	68,268 18 0	.....	30,294 14 10	2,333 9 2	.....	670,993 5 0	671,890 7 0	500,000 0 0	6 ¼ cent.	15,000 0 0	22,587 17 9
Oriental Chartered	148,044 12 7	3,052 2 6	266,006 10 8	676,535 11 6	1,093,638 17 3	216,095 2 1	15,018 4 0	27,207 2 7	4,361 15 5	288,316 19 8	641,690 19 7	1,192,890 3 4	1,260,000 0 0	18 ¼ cent.	113,400 0 0	282,200 0 0
TOTALS	893,763 3 2	40,502 12 1	328,212 12 9	5,029,691 10 4	6,292,169 18 4	1,428,412 10 7	96,117 9 4	252,719 14 9	66,632 10 6	1,201,887 3 8	5,764,659 5 4	8,899,829 14 2	6,030,000 0 0		357,050 0 0	1,239,958 18 5

* Including £5,164 Gs. 6d. Government Securities.

† 6 ¼ cent. per annum, and Bonus of 16s. per share.

‡ 10 ¼ cent. per annum, and 4 ¼ cent. Bonus.

The Treasury, New South Wales,
Sydney, 4th February, 1862.

E. C. WEEKES,
Treasurer.

1862.

Legislative Assembly.

NEW SOUTH WALES.

BANK LIABILITIES AND ASSETS.

(Ordered by the Legislative Assembly to be Printed, 27 May, 1862.)

GENERAL ABSTRACT of the Sworn Returns, rendered pursuant to the Act of Council, 4th Victoria, No. 13, of the Average ASSETS and LIABILITIES, and of the CAPITAL and PROFITS, of the undermentioned BANKS of the Colony of New South Wales, for the Quarter ended 31st March, 1862.

BANKS.	LIABILITIES.					ASSETS.							CAPITAL AND PROFITS.			
	Notes in Circulation.	Bills in Circulation.	Balances due to other Banks and Branches.	Deposits.	Total Liabilities.	Coin.	Bullion.	Landed Property.	Notes & Bills of other Banks.	Balances due from other Banks.	Notes and Bills Discounted, and all other Debts due to the Banks.	Total Assets.	Capital paid up.	Rate per Annum of last Dividend.	Amount of Dividend.	Amount of Reserved Profits at the time of declaring Dividend.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	per cent.	£ s. d.	£ s. d.
New South Wales	223,737 11 6	7,105 13 9	36,146 16 6	1,456,962 18 2	1,703,953 1 11	293,575 11 10	35,904 2 9	47,966 1 8	14,993 1 7	879,728 1 9	*1,456,881 13 11	2,729,048 13 6	750,000 0 0	15 ½ cent.	56,250 0 0	221,604 11 5
Commercial	180,147 12 4	6,064 6 4	8,429 1 9	1,009,099 19 6	1,203,740 19 11	305,774 3 8	62,316 11 7	24,352 12 9	17,706 16 4	92,620 8 1	1,111,610 1 2	1,604,280 13 7	320,000 0 0	14 ½ cent.	22,400 0 0	66,229 12 6
Australasia.....	78,500 18 5	6,487 17 1	184 8 0	632,145 18 4	617,319 1 10	137,113 8 1	.....	42,641 0 0	8,047 8 9	1,086 19 3	495,930 4 8	684,839 0 9	900,000 0 0	10 ½ cent.	46,000 0 0	296,206 14 6
Union of Australia	65,299 13 10	9,661 5 10	64 19 1	489,785 18 5	564,811 17 2	117,940 11 10	21,680 13 4	13,370 16 4	5,368 9 8	95 15 6	371,631 11 11	530,587 18 7	1,000,000 0 0	14 ½ cent.	70,000 0 0	285,606 4 5
Australian Joint Stock..	189,718 8 6	7,135 1 1	15,617 9 1	639,774 12 8	852,246 11 4	176,087 4 6	1,976 0 2	47,511 2 7	15,836 17 3	64,499 3 0	937,017 6 7	1,242,927 14 1	375,000 0 0	10 ½ cent.	18,750 0 0	23,282 10 5
London Chartered of Australia	12,256 4 7	1,737 0 0	.....	73,826 11 9	87,819 16 4	42,702 17 8	.....	23,084 19 4	942 16 11	.....	211,945 11 4	278,676 5 3	1,000,000 0 0	8 ½ cent.	30,000 0 0	88,967 11 5
English, Scottish, and Australian Chartered	28,563 0 0	1,866 18 7	.....	343,816 16 11	374,246 15 6	81,390 19 10	.....	30,246 5 7	2,590 10 9	.....	572,672 1 11	686,899 18 1	500,000 0 0	6 ½ cent.	15,000 0 0	27,449 6 3
Oriental Chartered	152,592 0 0	4,766 4 3	303,412 2 3	741,721 12 4	1,302,494 18 10	336,467 2 9	31,226 2 4	37,207 2 7	7,381 0 0	92,138 13 8	684,402 0 11	1,278,825 2 3	1,200,000 0 0	14 ½ cent.	88,200 0 0	252,000 0 0
TOTALS.....	930,815 9 2	44,821 6 11	363,954 18 6	5,267,137 8 1	6,006,632 2 10	1,391,052 0 2	143,103 10 2	256,780 0 10	72,870 1 3	1,330,169 1 3	5,812,110 12 5	9,036,085 6 1	6,105,000 0 0	.....	345,600 0 0	1,261,346 10 10

* Including £6,227 15s. 9d. Government Securities.

† 6 ½ cent. per annum, and Bonus of 16s. per share.

‡ 10 ½ cent. per annum, and 2 ½ cent. Bonus.

The Treasury, New South Wales,
Sydney, 5 May, 1862.

E. C. WEEKS,
Treasurer.

1862.

NEW SOUTH WALES.

SYDNEY BRANCH, ROYAL MINT.

(DESPATCH RESPECTING.)

Presented to both Houses of Parliament, by Command.

SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR JOHN YOUNG, BART.

Downing-street,
21 May, 1862.

SIR,

I have the honor to transmit, for your information, the accompanying Report and their enclosures, which have been received through the Lords Commissioners of the Treasury from the Master of the Mint, relative to the transactions in Bullion of the Sydney Branch of the Royal Mint during the year 1861, with the 17th and 18th Reports of the Master of the Mint on the Weight and Fineness of the Gold Coins struck at the Sydney Mint.

I have, &c.,
NEWCASTLE.

[Enclosure.]

Royal Mint,
16 October, 1861.

Sir,

I have the honor to acquaint you, for the information of the Lords Commissioners of Her Majesty's Treasury, that the following Returns have been duly received from the Deputy Master of the Sydney Branch of the Royal Mint, in conformity with the Order in Council of the 19th August, 1863:—
Six Monthly Returns, shewing the transactions in Bullion of the Sydney Branch of the Royal Mint, for January to June, 1861, inclusive.

The coin issued to the public during these quarters is as follows, viz. :—

	SOVEREIGNS.	HALF SOVEREIGNS.	TOTAL.
	ozs.	ozs.	ozs.
In January	23,022.58		
February	40,323.72		
March	42,113.88		
April	32,357.82		
May	35,442.87		
June	9,757.77	23,945.77	33,703.54

Amount charged for Coinage—Nil.

Two Returns of Waste in Coinage of Gold at the Sydney Branch of the Royal Mint, for the quarters ending 31st March and 30th June, 1861.

Two Duplicate Returns made by the Board of Verification to the Colonial Secretary, reporting the state of the Bullion in the Mint on the 31st March and 30th June, 1861.

I have also to request you to submit to their Lordships my Report, enclosed (being the Seventeenth), of the Weight and Fineness of Coins produced at the Sydney Branch of the Royal Mint during the six months, January to June, 1861, inclusive, and transmitted by the Deputy Master for examination, in accordance with Her Majesty's Order in Council above referred to.

A copy of the aforesaid Report will be forwarded to the Deputy Master at Sydney, for his information.

George A. Hamilton, Esq.

I have, &c.,
THOS. GRAHAM.

SYDNEY BRANCH, ROYAL MINT.

[Sub-Enclosures.]

SUMMARY of the Monthly Returns of Gold Coin issued to the Public, at the Sydney Branch of the Royal Mint, during the year 1861.

	SOVEREIGNS.	HALF SOVEREIGNS.	TOTAL WEIGHT.	TOTAL VALUE.
	ozs.	ozs.	ozs.	£ . s. d.
January	29,022.58			
February	40,323.72			
March	42,118.88			
April	32,357.82			
May	35,442.87			
June	9,757.77	23,945.77		
July	38,016.24			
August	26,452.09			
September	36,979.70			
October	42,120.83			
November	35,181.94			
December	49,822.25			
	417,596.69	23,945.77	441,542.46	1,719,255 0 0

	£	s.	d.
Value of Gold issued in 1856	1,220,000	0	0
Ditto 1857	767,500	0	0
Ditto 1858	1,343,000	0	0
Ditto 1859	1,221,033	0	0
Ditto 1860	1,651,510	0	0
Ditto 1861	1,719,255	0	0
	<u>£7,922,298</u>	<u>0</u>	<u>0</u>

THOS. GRAHAM,

Master of the Mint.

Royal Mint,
25 April, 1862.

SEVENTEENTH REPORT, addressed to the Lords Commissioners of Her Majesty's Treasury, by the Master of the Mint, on the Weight and Fineness of Gold Coins struck at the Sydney Branch of the Royal Mint, and transmitted by the Deputy Master for examination, in accordance with the provisions of Her Majesty's Order in Council of 19th August, 1853.

Pieces taken without preference by the Colonial Secretary, at the deliveries of the Sydney Mint.

During the Quarter ending 31st March, 1861 :—

Denomination of Coin.	No. of Pieces.	Total Weight. Ounces.	Average Weight of a Piece. Ounces.	Average Proportion of Gold in 1,000 parts.
Sovereigns	94	24.1455	0.25686	916.725

During the Quarter ending 30th June, 1861 :—

Denomination of Coin.	No. of Pieces.	Total Weight. Ounces.	Average Weight of a Piece. Ounces.	Average Proportion of Gold in 1,000 parts.
Sovereigns	62	15.920	0.25677	916.659
Half-Sovereigns	33	4.873	0.12336	916.68

The standard weight of the Sovereign being 0.25682 oz., and the standard fineness, 916.67 in 1,000 parts.

THOS. GRAHAM.

Royal Mint,
16 October, 1861.

Royal

SYDNEY BRANCH, ROYAL MINT.

3

Royal Mint,
25 April, 1862.

Sir,

I have the honor to acquaint you, for the information of the Lords Commissioners of Her Majesty's Treasury, that the following Returns have been duly received from the Deputy Master of the Sydney Branch of the Royal Mint, in conformity with the Order in Council of the 19th August, 1853.

Six Monthly Returns, shewing the transactions in Bullion of the Sydney Branch of the Royal Mint, for July to December, 1861, both inclusive.

The coin issued to the public during these months is as follows :—

	SOVEREIGNS.	HALF SOVEREIGNS.
	ozs.	ozs.
In July	33,016.24	
August	26,452.09	
September	36,979.70	
October	42,120.83	
November	35,181.94	
December	49,822.25	

Amount charged for coinage—Nil.

Two Returns of Waste in Coinage of Gold at the Sydney Branch of the Royal Mint, for the quarters ending 30th September and 31st December, 1861.

Two Duplicate Returns made by the Board of Verification to the Colonial Secretary, reporting the state of the Bullion in the Mint on the 1st October, 1861, and 1st January, 1862.

I have also to request you to submit to their Lordships my Report, enclosed (being the Eighteenth), of the Weight and Fineness of Coins produced at the Sydney Branch of the Royal Mint during the six months, July to December inclusive, and transmitted by the Deputy Master for examination, in accordance with the provisions of Her Majesty's Order in Council above referred to.

A copy of the aforesaid Report will be forwarded to the Deputy Master at Sydney for his information.

George A. Hamilton, Esq.

I have, &c.,
THOS. GRAHAM.

EIGHTEENTH REPORT, addressed to the Lords Commissioners of Her Majesty's Treasury by the Master of the Mint, on the Weight and Fineness of Gold Coins struck at the Sydney Branch of the Royal Mint, and transmitted by the Deputy Master for examination, in accordance with the provisions of Her Majesty's Order in Council of the 19th August, 1853.

Pieces taken without preference by the Colonial Secretary, at the deliveries of the Sydney Mint.

During the Quarter ending 30th September, 1861 :—

Denomination of Coin.	No. of Pieces.	Total Weight. Ounces.	Average Weight of a Piece. Ounces.	Average Proportion of Gold in 1,000 parts.
Sovereigns	83	21.310	0.25674	916.422

During the Quarter ending 31st December, 1861 :—

Denomination of Coin.	No. of Pieces.	Total Weight. Ounces.	Average Weight of a Piece. Ounces.	Average Proportion of Gold in 1,000 parts.
Sovereigns	105	26.971	0.2568	916.638

The standard weight of the Sovereign being 0.25682 oz. Troy, and the standard fineness, 916.67 in 1,000 parts.

THOS. GRAHAM.

Royal Mint,
25 April, 1862.

1862.

NEW SOUTH WALES.

SYDNEY BRANCH ROYAL MINT.

(DESPATCH RESPECTING.)

Presented to both Houses of Parliament, by Command.

SECRETARY OF STATE to GOVERNOR SIR J. YOUNG, BART., K.C.B.

New South Wales.
(No. 44.)

Downing-street,
8 June, 1862.

SIR,

I have the honor to transmit, for your information, a copy of a Report, received through the Board of Treasury, from the Master of the Mint, upon the weight and fineness, as ascertained at the Royal Mint, of Coins struck at the Sydney Mint, and forwarded to this Office during the year 1861.

I have, &c.,
NEWCASTLE.

[Enclosure.]

Royal Mint,
26 April, 1862.

Sir,

In conformity with the instructions from the Lords Commissioners of Her Majesty's Treasury, communicated to me in Sir Charles Trevelyan's letter of the 9th November, 1855, I have now to submit an account of the weight and fineness, as ascertained here, of Coins struck at the Sydney Branch of the Royal Mint, and sent Home by the Governor of New South Wales during the year 1861. These Coins were conveyed from Australia in closed packets, bearing the Seal of the Colonial Treasurer, and were received by me with letters from the Assistant Secretary of the Treasury of the 5th March, 1861, and later dates.

My last Report on the Governor's pieces was dated 4th May, 1861.

Cia

SYDNEY BRANCH ROYAL MINT.

Coins of the Sydney Mint taken from the Colonial circulation, from January to December, 1861, by order of the Governor of New South Wales.

TAKEN FROM CIRCULATION IN	No. of Pieces.		Weight.		PROPORTION OF GOLD IN 1,000 PARTS.	DATE OF TREASURY LETTER TRANSMITTING PACKETS OF GOLD COINS.
	Sovereigns.	Half-Sovereigns.	Sovereigns.	Half-Sovereigns.		
January	2	.....	123 314	.....	916 85	1861. 9th April.
		2	244	61 737	30	
February ..	2	.....	074	.....	6 00	8th May.
		2	030	287	70	
March	2	.....	244	.....	85	7th June.
		2	2 654	287	75	
April	2	.....	3 090	.....	35	9th July.
		2	415	577	95	
May	2	.....	405	.....	75	2nd August.
		2	215	490	75	
June	2	.....	325	.....	65	11th September.
		2	230	250	7 00	
July	2	.....	154	.....	6 95	15th October.
		2	184	655	75	
August	2	.....	200	.....	7 00	9th November.
		2	400	740	90	
September	2	.....	2 924	.....	60	6th December.
		2	3 554	807	80	
October	2	.....	310	.....	20	9th January.
		2	110	617	55	
November	2	.....	374	.....	45	4th February.
		2	170	730	25	
December	2	.....	200	.....	00	7th March.
		2	250	580	45	
AVERAGE .....		.....	123 211	.....	45	
		2	550	61 562	50	
					916 61	

The average weight of the Sovereigns is 123·211 grains; of the Half-Sovereigns, 61·562; the standard weight of the Sovereign being 123·244 grains.

The average fineness found of all the Coins is 916·61, the standard fineness being 916·67.

I have, &c.,

THOS. GRAHAM.

George A. Hamilton, Esq.,
&c., &c., &c.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

THE SYDNEY BRANCH MINT.

(REPORT FROM A SELECT COMMITTEE OF THE HOUSE OF COMMONS ON.)

Ordered by the Legislative Assembly to be Printed, 18 November, 1862.

REPORT from the Select Committee on the Sydney Branch Mint;
with the Proceedings of the Committee.

Martis, 13^o die Maii, 1862.

Ordered, That a Select Committee be appointed to consider and report on the expediency of legalizing the circulation in the United Kingdom of the Sovereigns coined at the Branch of the Royal Mint in Sydney.

Luna, 26^o die Maii, 1862.

Committee nominated of—

Mr. Alderman Salomons,	Mr. Arthur Mills,
Mr. Chancellor of the Exchequer,	Mr. Marsh,
Mr. Henley,	Mr. Thomas Baring,
Mr. Hankey,	Lord Alfred Churchill,
Mr. Hubbard,	Sir Frederick Heygate,
Mr. Chichester Fortescue,	Mr. Locke King,
Mr. Fitzgerald,	Mr. Hardy.
Mr. Childers,	

Ordered, That the Committee have power to send for persons, papers, and records.

Ordered, That five be the quorum of the Committee.

Jovis, 17^o die Julii, 1862.

Ordered, That the Committee have power to report their observations, together with the Minutes of Evidence taken before them, to the House.

REPORT.

THE Select Committee appointed to consider and report on the expediency of legalizing the circulation, in the United Kingdom, of the Sovereigns coined at the Branch of the Royal Mint at Sydney,—have considered the matters to them referred, and have agreed to the following Report:—

Your Committee have had before them the Treasury Minute, dated 23rd March, 1853, and the Order in Council of 19th August, 1853, by virtue of which a Branch of the Royal Mint was established at Sydney; also, correspondence between the Governments of New South Wales and Victoria, and Her Majesty's Government, on the question of extending the circulation of the Sydney sovereign to all other parts of Her Majesty's dominions; and also, the Report of Captain Ward, Deputy Master of the new Branch Mint at Sydney, and other papers connected with the subject.

Your Committee have examined, as their first witness, Mr. Thomas Graham, F.R.S., Master of Her Majesty's Mint, who produced a copy of the Order in Council (printed at length in Appendix), the chief regulations of which are the following:—

"That a Branch of the Royal Mint be established at or near Sydney, in New South Wales, on such site as the Governor, or Officer Administering the Government of the Colony for the time being, may approve; that the Chief Officer thereof, who shall be considered as a Deputy Master of the Royal Mint, on being appointed by Her Majesty, be authorized and empowered to coin gold and other coin, in accordance with the standards of weight and fineness of the currency of this realm, and of such designs as may, from time to time, be approved by Her Majesty; and that the Master of the Royal Mint be authorized to prepare and transmit dies for such coins, so long as the Lords Commissioners of Her Majesty's Treasury may think necessary, and subject to such regulations as they may prescribe.

"That four other principal officers of the Mint be appointed, from time to time, by the Commissioners of Her Majesty's Treasury, &c.

"And that the four officers so to be appointed shall be,—

"1st. The Superintendent of the Bullion Office, who shall be responsible to the Deputy Master for the receipt of bullion and the delivery of coin by the Mint, &c.

"2nd. The Superintendent of the Coining Department, who will be responsible to the Deputy Master for the bullion delivered into his charge by the Superintendent of the Bullion Office, for its conversion into coin of the legal weight, properly stamped with the authorized dies, &c.

"3rd. The first Clerk of the Bullion Office, who, under the immediate supervision of the Superintendent of the Bullion Office, will be responsible to the Deputy Master for the skilful and economical direction of the operations of melting and refining, &c.

"4th. The Registrar and Accountant, who will be responsible to the Deputy Master for the proper registering and safe custody of the documents delivered to his charge; for the store, cash, bullion, &c.

"And that all such other officers and servants of the Mint as may be necessary, shall be appointed and discharged, from time to time, by the Deputy Master, on the approval of the Governor, or Officer Administering the Government of the Colony.

"And that the Deputy Master shall faithfully, and without unnecessary delay, forward to the Master of the Royal Mint, at the end of every quarter, a return, showing the waste during the quarter, distinguishing the waste arising in melting, in refining, in coining, and in assaying.

"And that, to ensure the careful observance of the standard in the coin, the Deputy Master shall only permit coin to be delivered to the public between such hours, on such days as shall, from time to time, be ordered by the Governor, or Officer Administering the Government of the Colony, during which time an Officer appointed by the Governor or Officer Administering the Government of the Colony, shall attend and take, without preference in the selection, a number of pieces, in proportion to the quantity delivered, not being more than one piece out of every 500 coins, nor less than one piece in 5,000.

"That the piece or pieces so taken be sealed up by the Officer appointed as aforesaid, and the envelope dated and signed by him, and be forwarded by the Deputy Master to the Master of the Royal Mint in London, for such examination as the Lords Commissioners of Her Majesty's Treasury may direct.

"And that the Governor, or Officer Administering the Government of the Colony, shall obtain, once every month, from the general circulation, two pieces in good condition of each description of coin issued from the Mint, and shall cause the same to be transmitted to England, in such manner as he shall think fit, in order that they may be subjected to the like examination.

"And that the Governor, or Officer Administering the Government of the Colony, shall also direct a Board of Government Officers, not less than three in number, to assemble at the Mint, at the expiration of each quarter, for the inspection of the store of bullion and coin in the Mint, and report on the same to him, stating the exact amounts of the balance of each description verified by them, and shall transmit a copy of the report to the Deputy Master, to be transmitted by him to the Master of the Royal Mint."

The Master of the Mint states that the Sydney Branch Mint went into operation in May, 1855, and that the regulations of the Order in Council have been strictly carried out. That Captain Ward is the present Deputy Master of the Branch of the Royal Mint at Sydney; that the Officers have been appointed by the Lords Commissioners of the Treasury, and by the Deputy Master of the Mint at Sydney, and that the general superintendence is sufficient.

sufficient. That sovereigns and half-sovereigns are the only gold coins made at the Sydney Mint. That a double control exists on the working of that Mint; for specimens of the coins are taken from those in course of coinage, and are sent Home by the Deputy Master of the Mint at Sydney. The Governor of New South Wales also takes from the general circulation some of the gold coins, which he forwards monthly to the Colonial Office in this country.

Detailed reports on the operations of the Branch Mint at Sydney, from the Deputy Master, are likewise regularly forwarded to the Master of the Mint, and to Her Majesty's Government at Home, by which two checks, each independent of the other, are established upon the quality of the coin, and upon the general working of the Mint.

The Master of the Mint further states that the coinage of the Mint is increasing, being about £800,000 for the quarter ending March of the present year. That the coins may be considered perfect, as regards fineness and weight. That the coin made at the Sydney Mint was, at first, only to be current in the Australian Colonies, and that its currency has since been extended, by Royal Proclamation, to other possessions of the Crown, namely, Mauritius, Ceylon, and Hong Kong. Question 278.

The Sydney sovereign, being made by the lever process, is, in the opinion of the Master of the Mint, not quite equal in execution to the Imperial sovereign, which is made by impact, and there being a considerable proportion of silver in the alloy of the Sydney coin, it is not considered so durable as the sovereign made at Tower Hill, which has copper for its chief alloy. This proportion of silver retained in the Sydney sovereign gives rise to another consideration, of which subsequent mention will be made. Question 47-58.

The Branch Mint at Sydney does not entail any charge on Imperial funds. The entire cost of its original establishment, and the annual salaries and contingencies of the department are defrayed by the Colonial Treasury of New South Wales. To meet this expenditure, a charge is made on all gold brought to the Mint, whether for coinage, or for melting, assaying, and running into bars. The charge being the same for either process, very little gold is run into bars at the Mint; and nearly all the bars exported to Europe and the East have been melted and assayed at private establishments. This charge appears to be, according to the last published regulations, three-quarter per cent. for amounts exceeding 1,000 oz., and one per cent. for smaller amounts; the usual mode of levying the charge for the Mint is to withhold a sum sufficient to defray its tariff for the assay and mintage. For instance, in the case of a person leaving raw gold for coinage, of the value of 1,000 sovereigns, he would receive only 990 in return, the Mint deducting the ten sovereigns as the mintage charge of one per cent. on the delivery of the coin.

Almost all the witnesses that have appeared before your Committee, admit the inconvenience of having two gold coins of equal fineness and weight, consequently of the same intrinsic value, and bearing the same denomination, not enjoying an equal privilege of circulation within the realm. The sovereign struck at the Branch Mint at Sydney, and for which the Master of the Mint stated himself to be as much responsible as for that made here, is current in Australia alone, and in a few of Her Majesty's distant possessions; while the sovereign made at the Royal Mint has a circulation throughout the realm, and in consequence enjoys a preference over the Sydney sovereign, wherever both are in circulation. Question 46.

The inconvenience resulting from this limit on the circulation of the Australian sovereign is particularly experienced in the large trade carried on between Australia and our possessions of Ceylon and Mauritius, where this coin has been declared current by Royal Proclamation. In this commerce with our own possessions, and also with India, Manilla, Java, and other countries, into which Australian gold coin largely enters, there is no doubt but that the Imperial sovereign is more highly valued than the sovereign issued at the Sydney Mint.

Your Committee would further observe, that as Australia is one of the possessions of the Crown, and the two countries also having the same currency, it may be fairly questioned whether there ought to be any distinction between the two coinages.

By perpetuating the present arrangement we should omit an opportunity of promoting uniformity in our gold currency, inasmuch as that arrangement invests the sovereign coined at one Imperial Mint with two qualities, one being that it must be taken by Australians as current money for all they have to sell, and the other, that until it has undergone the test of a fresh assay, and a new stamp, it is not to be available as current money in the United Kingdom.

For these reasons the Colonial Legislatures have expressed a strong desire to see the Australian sovereign relieved from the inferiority that now attaches to it, by an alteration of the regulations which now only acknowledge it as current money in some of the distant possessions of the Crown.

The question may be asked whether, if the privilege of circulation within the United Kingdom were conferred on the Sydney sovereign, Australian gold would cease to be transmitted to this country in the shape of bullion, and that all the gold found in Australia would be taken to the Branch Mint at Sydney for the purpose of coinage. It may, however, fairly be assumed that the bulk of the Australian gold required in the ordinary trade with the United Kingdom would still come in the more merchantable form of bars, as being the cheaper medium of exchange, since it may be taken for granted that no banker or merchant would carry gold to the Branch Mint at Sydney, and bear the expense of having it made into coin in Australia, at the present rates of mintage there, when, on its importation into this country, the process could be more cheaply effected here.

On the other hand, so long as the present restraint on their Home circulation continues, every Sydney sovereign that reaches this country is forced into the melter's crucible, to become again the fraction of an ingot; for it possesses no more worth here for ordinary use in its form as coin, than it enjoyed previous to its having undergone the process of coinage.

The

The chief objections which have been raised against the legal currency of this coin are, first, the fear of the systematic introduction of light Australian coin into our Home circulation,—and, secondly, the inconvenience resulting from a plurality of mints.

As to light gold being collected in Australia and sent here, the answer is obvious. Light gold in large quantities can only arise from abrasion fraudulently effected, or from wear and tear consequent on the use of the coin. The profit that might be made out of such a trade must be purely visionary, for it would never pay the interest of the money necessary for carrying it on in a country where the rate of interest is so high as it is in Australia.

Supposing for a moment the possibility of Australian light gold being systematically imported here, the loss would fall, as it now does, on the possessor of such coin. For how is this light gold to get into circulation here? Neither the Bank of England nor the bankers would take it; dealers would not have it unless it were brought to them in the way of business, to be purchased by weight. The only alternative, therefore, for obtaining a profit is, that it would have to be circulated by dribbles, and on the whole, your Committee are of opinion that there is no sufficient inducement for operations of this class.

There remains the apprehended contingency, that if the Sydney sovereign were placed on the same footing in the United Kingdom as the one issued from the Royal Mint, pressing demands might be made for mints to be established at Melbourne and in other parts of Her Majesty's dominions where gold fields exist, and an objection is felt against mints at a distance manufacturing Imperial coin for circulation throughout the realm. On the other hand, it can hardly be denied that a mint is not only a desirable, but almost an indispensable institution in the neighbourhood of a widely extended gold field, where the miner can take his raw production, have it weighed and assayed, and turned into coin. But, whatever weight may be due to the objections against the creation of a number of mints, that question is not here under consideration, but simply the policy and justice of allowing the admission of the sovereign coined at our own Branch Mint at Sydney into equal circulation with that of the sovereign made at the Royal Mint at Tower Hill.

It may, however, be observed to those who consider the establishing of new mints an innovation on the usage that has existed for many generations, that they overlook the distinction between a Royal Mint in association with several Branch Mints, and the creation of a number of independent establishments. During the civil wars of the 17th century, the Crown coined money wherever its necessities took it, while in the reign of William the Third (as appears from the Report of the Commission of Inquiry into the constitution of the Royal Mint, the year 1848), there existed mints at the Tower, Bristol, Chester, Exeter, Norwich, and York, at which the great recoinage of the silver currency was carried on. But whether the coin was formerly made at one mint or at a number of mints, those who rely on ancient usage must prove that under the system that then prevailed, the coinage was free from debasement and depreciation, and that issuing from a single mint constituted a practical security for the goodness of the coin.

So far from this being the case, the fact is notoriously otherwise. Lord Liverpool, in his well-known treatise on the coins of the realm, speaks of the many deviations in former time, both in the weight of the coin and in the standard of the metal, by the authority of the Crown, which sought to augment its own revenue at the expense of those who had to receive this coin in payment.

In later times, we owe more to the principles laid down by Locke, as to the true value of the precious metals in the shape of coin,—“that money differs from uncoined silver only “in this, that the quantity of money in each piece of silver is ascertained by the stamp it “bears, which is set there to be a public voucher of its weight and fineness,” than we do to any considerations involved in the doctrine of having one or many mints authorized by the Crown for the issue of the coin of the realm.

A reference to the examples of other countries may, however, be useful to show that, notwithstanding the existence of a plurality of mints, the high character of a coinage can be efficiently maintained. Spain had mints in her colonies for the coinage of the precious metals. Both gold and silver coins were struck at Mexico and Peru; and it is well known to every reader of history, that the Spanish dollar issued from those mints, was in such established repute as to be long considered the standard measure of commerce, and, indeed, its high character for goodness of quality remains undiminished at the present day.

France has now in operation two mints for coining gold at Paris and at Strasburg, and the gold coin of France is current both in Belgium and in Italy. There are three mints within the British territories of India. The United States have mints in proximity to their gold fields; and the evidence of the Master of the Mint coincides with that of Mr. Miller, of the Bank of England, in stating the American gold coins to be excellent, as perfect as any coin that is made.

In fact, the character of a coinage, whether produced at one or at many establishments, must depend on the honesty and integrity of those charged with its superintendence; and there is no reason to doubt but that, with a well-regulated establishment and proper control, mints conducted for the advantage of the subject, and not for the exclusive benefit of the Crown, may usefully be established wherever there exists an extended market for bullion.

Your Committee will now refer to that part of the evidence of the Master of the Mint which alludes to the small portion of silver retained as alloy in the Sydney sovereign. There is a known affinity of the precious metals for each other. Gold is found in many districts mixed with silver, and silver is also found in more or less minute quantities in combination with gold. The modern refiners, by the use of fitting agents, have created a trade, deriving its profit out of the separation of the two metals. The French refiners are understood to have been among the first discoverers of the readiest and cheapest means of effecting

effecting this; and by the scientific application of chemical substances, they have been enabled to carry on successfully this new branch of the trade in gold and silver. The precious metals, therefore, whether in coin or in bullion, are now subject to a strict scrutiny, with a view of ascertaining whether they are impregnated with gold or silver to such a degree that, by submitting them to the process of refining, a commercial profit may be obtained out of them. The Australian gold is, in a more or less degree, combined with some small portion of silver; the gold of New South Wales in a greater degree than the gold of Victoria. Such portion of the Australian gold as is imported into this country in bars, generally goes through the process of refining, by which the silver it contains is extracted before the gold reaches our Mint for coinage. In Australia, however, there is at present no establishment for refining gold, and the evidence of the witnesses is, that, looking at the comparatively small quantity of gold taken to the Sydney Mint for the purposes of coinage, the value of the silver, when refined from the gold, would not be sufficient to pay the expense incurred in the process of separating it.

As silver is understood to be one of the necessary substances used in refining gold, the business is carried on most profitably in places where there is the opportunity of pursuing a trade in both gold and silver. It is therefore most advantageous that the two metals should be commercially worked together, for then a profit may be obtained by the silver separated from the gold, and likewise from the gold taken out of the silver. However that may be, the fact remains, that whatever silver there is in the gold found in Australia, it is not taken out at the Mint there, but remains in the coin as part of the alloy; and as the sovereigns made here are alloyed almost entirely with copper, the Sydney sovereign has a value beyond the Royal Mint sovereign to the extent of the small quantity of silver left in it, and which the Master of the Mint estimates at from a halfpenny to one penny sterling per sovereign.

Thus the Sydney sovereign, containing as it does not only the same quantity and weight of fine gold as the Tower Hill sovereign, but also this small quantity of silver, offers an inducement to the refiners to buy it, for the purpose of submitting it to their process of separation, and making a commercial profit by extracting the silver it contains. Therefore, if it be thought that the Sydney sovereign should by law be current in this country, it may deserve consideration whether the coin issued from the Sydney Mint should be so made as to remove this inducement.

The Committee have abstained from entering into any other question than the one referred to them; and have, therefore, avoided the controversy which appears in the correspondence placed before them, as to whether the Mint would have been better placed at Melbourne than at Sydney, or if a Mint should not also be established at Melbourne.

In conclusion, your Committee have to express their opinion that the Imperial Government having made the Mint at Sydney a branch of the Royal Mint at Home, and appointed thereto all the officers, and having directed that the coin struck at that Mint shall be identical in weight and fineness with the gold coin of the realm, may now, with propriety, on certain conditions, place the sovereigns made there on the same footing as those made at the Royal Mint in this country.

In expressing this opinion, your Committee have no desire to question the discretion observed in the Treasury Minute, when a mint was first authorized at Sydney, the establishment of which, though indispensable at the time, might still be considered as merely experimental, and as indeed it no doubt was. There were many contingencies at that time to be considered; the question whether the gold fields would last; whether the Colonies would submit to the proposed control; whether the public would take the coin; and many others too numerous to suggest. But now, having the benefit of seven years' experience, and the control being proved to be sufficient, the time appears to have arrived to remove the restraint upon the circulation of the gold coin struck at the Sydney Mint.

Your Committee therefore recommend—

1. That gold coin be issued from the Branch Mint at Sydney, having currency in all parts of the British dominions where gold coin minted in London is current.
2. That the coin struck at the Sydney Mint should have, as nearly as possible, the same alloy, and the same quality of execution and durability as that struck at the Royal Mint in London.
3. That the coin should also have a mint mark sufficient to indicate, at least to bankers and others, the mint whence it issued.
4. That an adequate mint charge or seignorage should continue to be levied, and that the Imperial Government should stipulate for its being kept at such an amount as to prevent any undue inducement to the importation into the United Kingdom of gold in coin, rather than in bars.
5. That arrangements should be made for withdrawing from circulation, as speedily as possible, the existing Sydney gold coinage.
6. That the charge for the Branch Mint should be provided for by permanent appropriation by the Legislature of New South Wales, rather than by an annual vote.

THE SYDNEY BRANCH MINT.

PROCEEDINGS OF THE COMMITTEE.

Luncæ, 2^o die Junii, 1862.

MEMBERS PRESENT:—

Mr. Alderman Salomons,	Mr. Hubbard,
Lord Alfred Churchill,	Mr. Marsh,
Mr. Childers,	Sir Frederick Heygate,
Mr. Hankey,	Mr. Chancellor of the Exchequer.
Mr. John Hardy.	

Mr. Alderman *Salomons* was called to the Chair.
The Committee deliberated.

[Adjourned to Tuesday, the 17th, at One o'clock.]

Martis, 17^o die Junii, 1862.

MEMBERS PRESENT:—

Mr. Alderman SALOMONS in the Chair.

Mr. Hankey,	Mr. Marsh,
Mr. Henley,	Mr. Chichester Fortescue,
Lord Alfred Churchill,	Mr. Arthur Mills,
Mr. Childers,	Mr. Fitzgerald,
Mr. Chancellor of the Exchequer,	Mr. Locke King,
Sir F. Heygate.	

Mr. *Thomas Graham* and Sir *Stuart A. Donaldson* were severally examined.

[Adjourned to Friday, at One o'clock.]

Veneris, 20^o die Junii, 1862.

MEMBERS PRESENT:—

Mr. Alderman SALOMONS in the Chair.

Mr. Hankey,	Mr. Arthur Mills,
Mr. Henley,	Mr. Hubbard,
Mr. Childers,	Mr. Chichester Fortescue,
Mr. Marsh,	Mr. Thomas Baring,
Mr. Locke King,	Sir F. Heygate,
Lord Alfred Churchill,	Mr. John Hardy.

Sir *Stuart A. Donaldson* and Mr. *John B. Darvall* were severally examined.

[Adjourned to Tuesday, at One o'clock.]

Martis, 24^o die Junii, 1862.

MEMBERS PRESENT:—

Mr. Alderman SALOMONS in the Chair.

Mr. Hubbard,	Mr. Hankey,
Lord Alfred Churchill,	Mr. Childers,
Mr. Marsh,	Mr. Locke King,
Sir F. Heygate,	Mr. Arthur Mills,
Mr. Chancellor of the Exchequer,	Mr. Fitzgerald,
Mr. John Hardy,	Mr. Chichester Fortescue.

The Committee deliberated.

Mr. *Penrose G. Talyan*, Mr. *John Baker*, and Sir *Charles Nicholson*, were severally examined.

[Adjourned to Tuesday, at One o'clock.]

Martis,

Martis, 1° die Julii, 1862.

MEMBERS PRESENT:—

Mr. Alderman SALOMONS in the Chair.

Mr. Hankey,	|	Mr. Childers,
Mr. Hubbard,	|	Mr. Marsh,
Mr. Henley,	|	Lord Alfred Churchill,
Mr. Chichester Fortescue,	|	Mr. Arthur Mills,
Mr. Chancellor of the Exchequer,	|	Sir Frederick Heygate,

Mr. John Hardy.

Sir Charles Trevelyan and Mr. George Arbuthnot, were severally examined.

[Adjourned to Tuesday, at Twelve o'clock.]

Martis, 8° die Julii, 1862.

MEMBERS PRESENT:—

Mr. Alderman SALOMONS in the Chair.

Mr. Marsh,	|	Mr. Chichester Fortescue,
Mr. Hankey,	|	Lord Alfred Churchill,
Mr. Hubbard,	|	The Chancellor of the Exchequer,
Mr. Childers,	|	Mr. Arthur Mills.

Mr. George Arbuthnot and Sir Daniel Cooper, were severally examined.

[Adjourned to Thursday, 17th, at One o'clock.]

Jovis, 17° die Julii, 1862.

MEMBERS PRESENT:—

Mr. Alderman SALOMONS in the Chair.

Mr. Childers,	|	Lord Alfred Churchill,
Mr. T. Baring,	|	Mr. Locke King,
Mr. Hankey,	|	Mr. Marsh,
Mr. Hubbard,	|	Mr. Fitzgerald,
Mr. Chancellor of the Exchequer,	|	Mr. Arthur Mills.

Draft Report, proposed by the Chairman, read 1°, as follows:—

" 1. YOUR Committee have had before them the Treasury Minute, dated 23rd March 1853, and the Order in Council of 19 August 1853, by virtue of which a Branch of the Royal Mint was established at Sydney; also, correspondence between the Governments of New South Wales and Victoria, and Her Majesty's Government, on the question of extending the circulation of the Sydney sovereign to all parts of Her Majesty's dominions; and also the report of Captain Ward, Deputy Master of the new Branch Mint at Sydney, and other papers connected with the subject.

" 2. Your Committee have examined, as their first witness, Thomas Graham, Esq., F.R.S., Master of Her Majesty's Mint, who produced a copy of the Order in Council (printed at length in Appendix), the chief regulations of which are the following:—

" " That a branch of the Royal Mint be established at or near Sydney, in New South Wales, on such site as the Governor or Officer Administering the Government of the Colony for the time being may approve; that the chief officer thereof, who shall be considered as a Deputy Master of the Royal Mint, on being appointed by Her Majesty, be authorized and empowered to coin gold and other coin, in accordance with the standards of weight and fineness of the currency of this realm, and of such designs as may, from time to time, be approved by Her Majesty; and that the Master of the Royal Mint be authorized to prepare and transmit dies for such coins, so long as the Lords Commissioners of Her Majesty's Treasury may think necessary, and subject to such regulations as they may prescribe.

" " That four other principal officers of the Mint be appointed, from time to time, by the Commissioners of Her Majesty's Treasury, &c.

" " And that the four officers so to be appointed shall be,—

" " 1st. The Superintendent of the Bullion Office, who shall be responsible to the Deputy Master for the receipt of bullion and the delivery of coin by the Mint, &c.

" " 2nd. The Superintendent of the Coining Department, who will be responsible to the Deputy Master for the bullion delivered into his charge by the Superintendent of the Bullion Office, for its conversion into coin of the legal weight, properly stamped with the authorized dies, &c.

" " 3rd.

“ 3rd. The First Clerk of the Bullion Office, who, under the immediate supervision of the Superintendent of the Bullion Office, will be responsible to the Deputy Master for the skilful and economical direction of the operations of melting and refining, &c.

“ 4th. The Registrar and Accountant, who will be responsible to the Deputy Master for the proper registering and safe custody of the documents delivered to his charge, for the store, cash, bullion, &c.

“ And that all such other officers and servants of the Mint as may be necessary, shall be appointed and discharged from time to time by the Deputy Master, on the approval of the Governor or Officer Administering the Government of the Colony.

“ And that the Deputy Master shall faithfully, and without unnecessary delay, forward to the Master of the Royal Mint, at the end of every quarter, a return, showing the waste during the quarter, distinguishing the waste arising in melting, in refining, in coining, and in assaying.

“ And that, to ensure the careful observance of the standard in the coin, the Deputy Master shall only permit coin to be delivered to the public between such hours, on such days as shall, from time to time, be ordered by the Governor or Officer Administering the Government of the Colony, during which time an officer appointed by the Governor or Officer Administering the Government of the Colony shall attend and take, without preference in the selection, a number of pieces, in proportion to the quantity delivered, not being more than one piece out of every 500 coins, nor less than one piece in 5,000. That the piece or pieces so taken be sealed up by the officer appointed as aforesaid, and the envelope dated and signed by him, and be forwarded by the Deputy Master to the Master of the Royal Mint in London, for such examination as the Lords Commissioners of Her Majesty's Treasury may direct.

“ And that the Governor or Officer Administering the Government of the Colony shall obtain, once every month, from the general circulation, two pieces in good condition of each description of coin issued from the Mint, and shall cause the same to be transmitted to England in such manner as he shall think fit, in order that they may be subjected to the like examination.

“ And that the Governor or Officer Administering the Government of the Colony shall also direct a Board of Government Officers, not less than three in number, to assemble at the Mint at the expiration of each quarter, for the inspection of the store of bullion and coin in the Mint, and report on the same to him, stating the exact amounts of the balance of each description verified by them, and shall transmit a copy of the report to the Deputy Master, to be transmitted by him to the Master of the Royal Mint.

3. The Master of the Mint states that the Sydney Branch Mint went into operation in May, 1855, and that the regulations of the Order in Council have been strictly carried out.

Question 22.

4. That Captain Ward is the present Deputy Master of the Branch of the Royal Mint at Sydney; that the officers have been appointed by the Lords Commissioners of the Treasury, and by the Deputy Master of the Mint at Sydney, and that the general superintendence is sufficient. That sovereigns and half-sovereigns are the only gold coins made at the Sydney Mint. That a double control exists on the working of that Mint; for specimens of the coins are taken from those in course of coinage, and are sent Home by the Deputy Master of the Mint at Sydney. The Governor of New South Wales also takes from the general circulation some of the gold coins, which he forwards monthly to the Colonial Office in this country.

5. Detailed reports on the operations of the Branch Mint at Sydney, both from the Deputy Master, and from the Governor of New South Wales, are likewise regularly forwarded to the Master of the Mint and to Her Majesty's Government at Home, by which two checks, each independent of the other, are established upon the quality of the coin, and upon the general working of the Mint.

Question 278.

6. The Master of the Mint further states that the coinage of the Mint is increasing, being about £800,000 for the quarter ending March of the present year. That the coins may be considered perfect, as regards fineness and weight. That the coin made at the Sydney Mint was, at first, only to be current in the Australian Colonies, and that it has since been extended, by Royal Proclamation, to other possessions of the Crown, namely, Mauritius, Ceylon, and Hong Kong.

7. The Sydney sovereign, being made by screw pressure, is not quite equal in execution to the Imperial sovereign, which is made by impact, and there being a considerable proportion of silver in the alloy of the Sydney coin, it is not considered so durable as the sovereign made at Tower Hill, which has copper for its chief alloy. This proportion of silver retained in the Sydney sovereign gives rise to another consideration, of which subsequent mention will be made.

8. The Branch Mint at Sydney is an establishment solely for the manufacture of coin. It has no commercial dealing either in gold or in coin. Raw gold is received at the Branch Mint for assay and coinage, and the gold is returned converted into sovereigns or half-sovereigns. For this work the Sydney Mint makes a charge, to reimburse to the Colony the outlay incurred in erecting the Mint, and to defray the current expenses of the establishment.

9. Your Committee learn from the witnesses, that this charge is one per cent. for large amounts, and one and a quarter per. cent. for small sums, which is paid by the persons bringing the gold to the Mint for assay and coinage. The usual mode of levying the charge being for the Mint to withhold a sum sufficient to defray its tariff for the assay
“ and

“ and mintage. For instance, in the case of a person leaving raw gold for coinage, of the value of 1,000 sovereigns, he would receive only 990 in return, the Mint deducting the 10 sovereigns as the mintage charge of one per cent. on delivery of the coin. Question 47-53.

“ 10. Almost all the witnesses that have appeared before your Committee admit the inconvenience of having two gold coins of equal fineness and weight, consequently of the same intrinsic value, and bearing the same denomination, not enjoying an equal privilege of circulation within the realm. The sovereign struck at the Branch Mint at Sydney, and for which the Master of the Mint stated himself to be as much responsible as for that made here, is current in Australia alone, and in a few of Her Majesty's distant possessions; while the sovereign made at the Royal Mint has a circulation throughout the realm, and in consequence enjoys a decided preference over the Sydney sovereign, wherever British money circulates. Question 46.

“ 11. The inconvenience resulting from this limit on the circulation of the Australian sovereign is particularly experienced in the large trade carried on between Australia and our possessions of Ceylon, and Mauritius, where this coin has been declared current by Royal Proclamation. In this commerce with our own possessions, and also with India, Manilla, Java, and other countries, into which Australian gold coin largely enters, there is no doubt but that the Imperial sovereign is more highly valued than the sovereign issued at the Sydney Mint, and inconvenience and loss have consequently arisen in the use of the Sydney sovereign in that trade, from the inferiority which it bears in the markets of the world, through the restriction which has been put upon it.

“ 12. Thus it appears, two British gold coins of equal intrinsic and authoritative value are placed on an inequality by our own regulations, the one enjoying a positive advantage in value over the other, even in those Colonial possessions where they are both current, of about one per cent. as the lowest estimate given, or of three per cent. and upwards, as stated by other of the witnesses.

“ 13. Besides this commercial inconvenience, which, from the evidence of the witnesses, does not appear to your Committee to be compensated by any advantage whatever, an inexpedient distinction in the worth of money, as it may happen to be of Colonial or of Imperial origin, is needlessly created. Australia being one of the possessions of the Crown, and an Australian as much a British subject as one born in the United Kingdom, and the two countries also having the same currency, it must surely be impolitic to draw a capricious distinction between the two coinages; it needlessly introduces a grievance, and it fully justifies the appeals on the part of the Colonial Legislatures, claiming for their gold sovereigns, made under the sole control of the Crown, the same currency in the Mother Country as that which has been given to them in the Colonies.

“ 14. The Australians would hail this concession as a new element of union; for, to quote the evidence of a gentleman who appeared before your Committee and who has held high office in the Colony, and is still a Member of the Legislative Council of New South Wales,—‘ There is the strongest possible feeling in the Colony to be placed on a footing of exact equality with all the rest of Her Majesty's subjects, governed by the same laws and enjoying the same privileges.’ Question 731.

“ 15. There is another view of the subject which places this anomaly in a stronger light. What advantages does the Imperial Government offer to Australia in exchange for those strict regulations prescribed in the Order in Council, as the conditions on which the Crown sanctioned the establishment of a mint in the Colony, and for the authority it exercises over it? It may be said that coinage is an especial Imperial privilege. But what is it that the State does at the Sydney Branch Mint in the exercise of this privilege? True, it stamps the gold coin there, declaring as of Imperial weight and fineness, but yet it does not acknowledge it as Imperial money, but only as a local token made for the use of the Australian Colonies.

“ 16. By the present arrangement, we appear before the commercial nations of the world as having rejected the opportunity of having one universal gold coin current throughout our dominions, and to have placed ourselves in the singular position of investing the sovereign issued from one Imperial Mint with two qualities, one being that it must be taken as current money in exchange by Australians for all they have to sell, and the other, that until it has undergone the test of a fresh assay, and a new stamp, it is not to be available as current money in the United Kingdom.

“ 17. It is therefore not to be wondered at, that the Colonial Legislatures have expressed a strong desire to see the Australian sovereign relieved from the inferiority that now attaches to it, by an alteration of the regulations which now only acknowledge it as current money in some of the distant possessions of the Crown.

“ 18. An opinion has been expressed, that if the privilege of circulation within the United Kingdom were conferred on the Sydney sovereign, Australian gold would altogether cease to be transmitted to this country in the shape of bullion, and that all the gold found in Australia would be taken to the Branch Mint at Sydney for the purpose of coinage. It may, however, fairly be assumed, that the bulk of the Australian gold required in the ordinary trade with the United Kingdom would always come in the more merchantable form of bars, as being the cheaper medium of exchange, since it may be taken for granted that no banker or merchant would carry gold to the Branch Mint at Sydney, and bear the expense of having it made into coin in Australia, when, on its importation into this country, the process could be more cheaply effected here, for it is convertible into currency at £3 17s. 9d. per ounce, which is the buying price of standard bar gold at the Bank of England, or the gold might be required for the export market, instead of for circulation at Home.

" 19. On the other hand, so long as the present regulation continues, every Sydney Branch Mint sovereign that reaches this country is forced into the melter's crucible, to become again the fraction of an ingot; for it possesses no more worth here for ordinary use in its Sydney form, than it enjoyed previous to its having undergone the process of coinage.

" 20. The chief objections suggested to your Committee by two of the witnesses, the one an efficient public servant, holding a high position in Her Majesty's Treasury, and the other a responsible officer of the Bank of England, appear to resolve themselves into an apprehension, that to legalize the circulation of the Sydney sovereign within the United Kingdom, might lead to an excessive importation of Australian sovereigns into this country—the systematic introduction of the light coin of Australia into our Home circulation; and, lastly, to the inconvenience resulting from a plurality of mints.

" 21. The apprehension excited by the possible prospect of an inundation of sovereigns into this country can hardly merit serious attention.

" 22. As to light gold being collected in Australia and sent here, the answer is obvious. Light gold in large quantities can only arise from the abrasion consequent on the use of the coin by a large population. The profit that might be made out of such a trade must be purely visionary, for it would never pay the interest of the money necessary for carrying it on in a country where the rate of interest is so high as it is in Australia.

" 23. Supposing, for a moment, the possibility of Australian light gold being systematically imported here, the loss would fall, as it now does, on the possessor of such coin. For how is this light gold to get into circulation here? Neither the Bank of England nor the bankers would take it; dealers would not have it unless it were brought to them in the way of business, to be purchased by weight. The only alternative, therefore, for obtaining a profit is, that it would have to be circulated by driblets, offering a rather unpromising inducement to a speculative importation from the Antipodes.

" 24. There remains the apprehended contingency, that if the Sydney sovereign were placed on the same footing in the United Kingdom as the one issued from the Royal Mint, pressing demands might be made for mints to be established at Melbourne and in other parts of Her Majesty's dominions where gold fields exist, and an objection is felt against mints at a distance manufacturing Imperial coin for circulation throughout the realm. On the other hand, it can hardly be denied that a mint is not only a desirable, but almost an indispensable institution in the neighbourhood of a gold field, where the digger or miner can take his raw production, have it weighed and assayed, and turned into coin. But whatever weight may be due to the objections against the creation of a number of mints, that question is not here under consideration, but simply the policy and justice of allowing the admission of the sovereign coined at our own Branch Mint at Sydney into equal circulation with that of the sovereign made at the Royal Mint at Tower Hill.

" 25. It may, however, be observed, to those who consider the establishing of new mints an innovation on the usage that has existed for many generations, that they overlook the distinction between a Royal Mint in association with several branch mints, and the creation of a number of independent establishments. During the civil wars of the 17th century, the Crown coined money wherever its necessities took it, while in the reign of William the Third (as appears from the Report of the Commission of Enquiry into the constitution of the Royal Mint, in the year 1848), there existed mints at the Tower, Bristol, Chester, Exeter, Norwich and York, at which the great recoinage of the silver currency was carried on. But whether the coin was formerly made at one mint or at a number of mints, those who rely on ancient usage must prove that under the system that then prevailed, the coinage was free from debasement and depreciation, and that issuing from a single mint constituted a practical security for the goodness of the coin.

" 26. So far from this being the case, the fact is notoriously otherwise. Lord Liverpool, in his well-known treatise on the coins of the realm, speaks of the many deviations in former time, both in the weight of the coin and in the standard of the metal, by the authority of the Crown, which sought to augment its own revenue at the expense of those who had to receive this coin in payment.

" 27. In later times we owe more to the principles laid down by Locke, as to the true value of the precious metals in the shape of coin,—'that money differs from uncoined silver only in this, that the quantity of money in each piece of silver is ascertained by the stamp it bears, which is set there to be a public voucher of its weight and fineness,' than we do to any considerations involved in the doctrine of having one or many mints authorized by the Crown for the issue of the coin of the realm.

" 28. A reference to the examples of other countries may, however, be useful, to show that notwithstanding the existence of a plurality of mints, the high character of a coinage can be efficiently maintained. Spain had mints in her colonies for the coinage of the precious metals. Both gold and silver coins were struck at Mexico and Peru; and it is well known to every reader of history, that the Spanish dollar issued from those mints was in such established repute as to be long considered the standard measure of commerce, and indeed its high character for goodness of quality remains undiminished at the present day.

" 29. France has now in operation two mints for coining gold, at Paris and at Strasburg, and the gold coin of France is current both in Belgium and in Italy. There are many mints within the British territories of India. The United States have mints in proximity to their gold fields; and the evidence of the Master of the Mint coincides with that of Mr. Miller, of the Bank of England, in stating the American gold coins to be excellent—as perfect as any coin that is made.

" 30. In fact, the character of a coinage, whether produced at one or at many establishments, must depend on the honesty and integrity of those charged with its superintendence; and there is no reason to doubt but that, with a well-regulated establishment and proper control,

" mints

“ mints conducted for the advantage of the subject, and not for the exclusive benefit of the Crown, may usefully be established wherever there exists a natural market for bullion.

“ 31. Your Committee will now refer to that part of the evidence of Thomas Graham, Esq., the Master of Her Majesty's Mint, which alludes to the small portion of silver retained as alloy in the Sydney sovereign. There is a known affinity of the precious metals for each other. Gold is found in many districts mixed with silver, and silver is also found in more or less minute quantities in combination with gold; the modern refiners, by the use of fitting agents, having created a trade, deriving its profit out of the separation of the two metals. The French refiners are understood to have been among the first discoverers of the readiest and cheapest means of effecting this; and by the scientific application of chemical substances, they have been enabled to carry on successfully this new branch of the trade in gold and silver. The precious metals, therefore, whether in coin or in bullion, are now subject to a strict scrutiny, with a view of ascertaining whether they are sufficiently impregnated with gold or silver that, by submitting them to the process of refining, a commercial profit may be obtained out of them. The Australian gold is, in a more or less degree, combined with some small portion of silver; the gold of New South Wales in a greater degree than the gold of Victoria. Such portion of the Australian gold as is imported into this country in bars, generally goes through the process of refining, by which the silver it contains is extracted before the gold reaches our mint for coinage. In Australia, however, there is at present no establishment for refining gold, and the evidence of the witnesses is, that, looking at the comparatively small quantity of gold taken to the Sydney Mint for the purposes of coinage, the value of the silver, when refined from the gold, would not be sufficient to pay the expense incurred in the process of separating it.

“ 32. As silver is understood to be one of the necessary substances used in refining gold, the business is carried on most profitably in places where there is the opportunity of pursuing a trade in both gold and silver. It is, therefore, most advantageous that the two metals should be commercially worked together, for then a profit may be obtained by the silver separated from the gold, and likewise from the gold taken out of the silver. However that may be, the fact remains, that whatever silver there is in the gold found in Australia, it is not taken out at the mint there, but remains in the coin as part of the alloy; and as the sovereigns made here are alloyed almost entirely with copper, the Sydney sovereign has a value beyond the Royal Mint sovereign to the extent of the small quantity of silver left in it, and which the Master of the Mint estimates at from a halfpenny to one penny sterling.

“ 33. Thus the Sydney sovereign, containing, as it does, not only the same quantity and weight of fine gold as the Tower Hill sovereign, but also this small quantity of silver, offers an inducement to the refiners to buy it, for the purpose of submitting it to their process of separation, and making a commercial profit by extracting the silver it contains. Therefore, if it be the opinion of Parliament that the Sydney sovereign should by law be current in this country, it is desirable that the coin issued from the Sydney Mint should, if possible, be so made as not to offer inducements to persons to collect and melt down the coin of the realm, for the purpose of obtaining a trading profit out of the alloy contained therein.

“ 34. The Committee have abstained from entering into any other question than the one referred to them; and have, therefore, avoided the controversy which appears in the correspondence placed before them, as to whether the Mint would have been better placed at Melbourne than at Sydney; or if a Mint should not also be established at Melbourne.

“ 35. In conclusion, your Committee beg to observe, that the Imperial Government having made the Mint at Sydney a branch of the Royal Mint at Home, and appointed thereto all the officers, and having directed that the coin struck at that Mint shall be identical in weight and fineness with the gold coin of the realm, ought, on principle, to place the sovereigns made there on the same footing as those made at the Royal Mint in this country.

“ 36. In expressing this opinion, your Committee have no desire to question the discretion observed in the Treasury Minute, when a mint was first authorized at Sydney, the establishment of which, though indispensable at the time, might still be considered as merely experimental, and as indeed it no doubt was. There were many contingencies at that time to be considered; the question whether the gold fields would last; whether the Colonies would submit to the proposed control; whether the public would take the coin; and many others, too numerous to suggest. But now, having the benefit of full nine years' experience, and the control being proved to be sufficient, all doubt may be set at rest, and we may release the Sydney Mint from the anomalous position in which it is placed by our regulations as to the gold coin struck at that mint.

“ 37. Making, therefore, every allowance for the proper caution exercised on the creation of the Branch Mint at Sydney, which limited the circulation of the Australian sovereign, your Committee see no reason why the restriction should not be at once removed, and the sovereign made at the Branch Mint at Sydney have the same privilege of circulation in the United Kingdom as that coined at the Royal Mint in this country, subject, however, to the following conditions:—

“ That the gold coins issued from the Branch Mint at Sydney should be so made
“ as to offer no inducement to the refiners to collect and melt them for the
“ purpose of obtaining the silver contained in the alloy.

“ That the coins struck at that Mint should possess the same qualities of execution
“ and durability as those struck at the Royal Mint.

“ That the coins should also have a mint mark on them sufficient to indicate at
“ least to bankers and others the mint whence they are issued. “ 38.

" 38. Your Committee also recommend that the coinage laws of the United Kingdom, with respect to light coin or other depreciation, be recommended for adoption by the Australian Legislatures, and that the mint in Australia be placed on permanent footing, instead of being dependent, as now, on an annual vote of the Australian Parliament.

" 39. Your Committee express no opinion on the subject of the erection of other branch mints, either in Australia or elsewhere, where Colonies may be willing to incur the necessary charges for efficient superintendence. These expenses are a natural check on the undue creation of mints, and the Committee leave this question to Her Majesty's Government to determine as circumstances and the occasion may hereafter demand."

Draft Report proposed by Mr. *Hankey*, read 1^o, as follows:—

" The Select Committee appointed to consider and report on the expediency of legalizing the circulation in the United Kingdom of the sovereigns coined at the Branch of Royal Mint at Sydney, have examined the various witnesses connected with the Australian Colonies, and also other gentlemen who have turned their attention to the subject, and they have agreed to the following Report:—

" The object of the establishment of a mint at Sydney was to coin gold for circulation, and thereby prevent the great loss experienced at the commencement of the large increase of trade in the Australian Colonies, consequent on the first discoveries of gold, in transmitting gold coin from England for the additional requirements of those Colonies.

" Permission for the establishment of a mint at Sydney was granted by the Crown in , and the mint came into operation under the indirect but general control of the Royal Mint of London, in May, 1855, and from that time no further want of gold coin has been experienced in the Australian Colonies. The coin so made is stated to be well coined, and of equal quality to that coined in London; and the object would, therefore, appear to have been fully accomplished.

" Application has been subsequently made by the Australian Colonies, to allow their gold coin free circulation as a legal tender throughout the British dominions.

" The ground for this application is alleged to be the inconvenience and loss experienced by the holders of Australian sovereigns out of those Colonies where the Australian sovereign is said to be generally at a discount, varying from one-half to one, and even more per cent. in comparison with British gold coin. The operation of the Mint in England, where all gold melted into bars, and of a standard value (*i. e.* twenty-two carats or parts, of fine or pure gold out of every twenty-four parts) is coined free of cost to the owner of such gold, is to provide a gold circulation for general use throughout Great Britain and in such of the British Colonies as make use of English gold coin as a legal tender. This object is fully attained by the existing system, and it is not contended that any inconvenience is felt by a want of a sufficient supply at all times of British gold coin.

" The proposed change is not applied for with a view to promote any Imperial interest, but mainly, at least, as a boon to the Colony of Australia.

" It has been stated as the opinions of several gentlemen extensively connected with Australia, that if this privilege were conceded, the trade between Australia and many other parts of the world would be benefited, and the remittances would be made on terms which would enable the Australian dealer to purchase goods on more advantageous terms; and it has also been stated, as the opinion of some of the same witnesses, that by coining gold in Australia part of the English circulation would be supplied with this Australian gold coin, which would diminish, to an equal extent, the necessity for coining gold at the Mint in London. Mr. Graham, the Master of the Mint, is of opinion that even if this were the result, little or no diminution of the general expenditure of the London Mint would ensue. The expense of coining gold at the Sydney Mint is now from one to one and a quarter per cent., which expense is paid by the person sending gold for coinage; the same holder could have his gold coined in London at the expense of the British public; and as the expense of transmitting gold from Australia is the same whether in bar or dust, or in coin, your Committee do not see in what way the remittance of gold to England will be benefited by the proposed change. On the other hand, any inducement to turn gold required as a general remittance, or for sale in whatever market it is most required, into gold coin, is likely to result in a loss to some one.

Q. 1420, 1421.

" Mr. Arbuthnot, to whose evidence on this subject your Committee would particularly direct attention, stated it to be his opinion that no advantage could arise to Great Britain or her Colonies by undertaking the charge of coining for the world.

" Gold used for commercial purposes should be kept as much as possible in the shape of bars, as being the most economical mode of remittance or of transmission, excepting to a country where it is required at that moment in the form of any particular coin.

" The slight advantage which might ensue by giving persons leaving Australia a greater facility for obtaining a gold coin for travelling purposes which is more generally known than the Australian sovereign is at present, is not sufficient, in the opinion of your Committee, to justify them in recommending any change in the existing system by which gold coin required as a circulating medium, and fixed as a legal tender at the value of £3 17s. 10½d. for every ounce weight of 11-12 fine gold, should alone be coined at the Royal Mint in London."

Draft

Draft Report proposed by Mr. *Hubbard*, read 1^o, as follows:—

“ THE Select Committee appointed to consider and report on the expediency of legalizing the circulation in the United Kingdom of the Sovereigns coined at the Branch of the Royal Mint at Sydney, report:—

“ That they find the argument in favour of legalizing the currency of the Sydney sovereign in this country to be founded on the assumption that such a measure would be attended with the following results:—

- “ 1. That by placing the sovereign minted at Sydney on an entire parity with the sovereign minted at Tower Hill, the Australian colonists generally would be highly gratified, and their loyalty to the Crown, and allegiance to the Mother Country, strengthened and secured.
- “ 2. That it would remove the inconvenience experienced by travellers, who, returning to Europe with Australian sovereigns in their possession, find difficulty in passing them at their intrinsic value, or at an equivalent with the Tower Hill sovereign.
- “ 3. That it would promote the commercial prosperity of the Australian Colonies, by identifying in one medium their present twofold expression of the measure of value, and by preventing the inconvenience and loss now attending the payment by Australia for its imports, especially for those which come from Mauritius, China, and the East Indies.

“ As to the first of these reasons, your Committee cannot ignore the positive assertions of gentlemen well qualified to express the sentiments of the colonists; and they admit that if legalizing the Sydney sovereign can tend to promote the loyal allegiance of those important dependencies of the Crown, it must be desirable to gratify that sentiment if it can be done without entailing real mischief.

“ As to the second of these reasons, it must be obvious that travellers arriving here with only Australian sovereigns suffer the same inconvenience as those who arrive with Foreign gold coin. To legalize either Colonial or Foreign gold coin would tend to the advantage of travellers, but it may be doubted whether the extent of this inconvenience is such as to weigh materially in the decision of the question at issue.

“ The third reason alleged for making the Sydney sovereign a legal tender in Great Britain is the most important, if well founded; but the very circumstance that it applies to the large operations of commerce, in which a complete knowledge of facts, and an acute perception of self-interest are certain to establish sooner or later the intrinsic value of an article, as the value which it will command, disposes your Committee to believe that the instances of a difference in value of one, two, or three per cent., which are said to have existed between Sydney and London sovereigns in eastern countries, cannot be accepted as illustrating the probable future distinction between the two coins. A premium on London, as compared with Sydney sovereigns, may indicate an artificial appreciation of the former, and not a depreciation of the latter. There is no reason to believe that the disparity which is complained of would not vanish at the arrival in an eastern market of any considerable quantity of the coin temporarily preferred; and it would be contrary to all commercial experience to believe that the values of the London and Sydney sovereigns, when they are once known to be intrinsically equal, would differ by more than the proportion which would suffice to render the Sydney sovereign, melted on its arrival here, equal as a remittance to London sovereigns. That difference, assuming the Sydney sovereign to prove standard on the assay, would not be more than 2d. per ounce, or about £2 per £1,000.

“ Without attaching, however, any serious importance to the commercial disadvantages complained of, your Committee believe that it would be desirable, to promote the convenience of travellers, and to remove an apparent anomaly, by returning to a single expression of the legal standard of value.

“ This object might be attained by withdrawing from Sydney the Branch Mint, which has now fulfilled the purpose of providing gold coin for the use of the Colonies, for which alone it was established, and by declaring the legal currency of all existing Sydney sovereigns.

“ The proposal of attaining the same object by legalizing the currency here of future coinages of the Sydney sovereign has been objected to, upon grounds the importance of which would depend upon the quantity of gold which reached this country in the state of coin.

“ Assuming this country and her Colonies to be adequately supplied with coin, the introduction of gold coin as a payment from Australia to England would be a commercial inconvenience. Gold received as an article of commerce is not destined to remain here; it will be re-exported, either in payment of foreign commodities, or for the purpose of foreign investments. But the most convenient form in which it can be re-exported is that of bar gold; and if not existing in that form at the Bank, it will be reduced to that form either before or after its exportation.

“ So far, then, as the legalizing of the Sydney sovereign might promote the export from Australia of gold in coin rather than in bar, the result would be injurious to English interests.

“ But it is open to consideration whether, even in the event of the Sydney Mint being retained, and its gold coin being made legal tender here, its unnecessary and wasteful action might not be restrained by regulating the charges made for converting raw gold into bars, and bars into coin. Judging from the charges made in London

“ by

" by private melters, the operations of melting raw gold into bars, and assaying the bars, " might be performed either by the mint or by private melters at Sydney, for a charge " of $\frac{1}{2}$ d. per ounce, or 10s. on £1,000; but if the charge were 1d. per ounce or one per " mille for converting into bar, and an additional charge of one per cent. were made for the " further conversion into coin, it appears probable that any unnecessary creation of coin " would be prevented.

" The exporter to this country would not, at a sacrifice to himself of nearly one per " cent., procure the manufactured gold to be sent hither, where it would again be resolved " into bullion.

" The presence of silver in Australian gold coin has occasioned its purchase here for " the purpose of extracting the silver, and the same process might continue, even were the " Sydney coin legalized, unless it were alloyed instead of silver with copper, after the " precedent of the English sovereign.

" Having indicated the nature and the degree of importance which they attach to " the inconveniences complained of, and having suggested the alternative measures by " which they might be removed, your Committee would leave the solution of the questions " arising thereupon to the wisdom of Her Majesty's Government, and to the decision of the " House."

Motion made and *Question proposed*, " That the Draft Report proposed by the Chair- man be now read a second time, paragraph by paragraph."

Amendment proposed, to leave out the words, " the Chairman," and insert the words, " Mr. Hankey," instead thereof.

Question put,—That the words, " the Chairman," stand part of the Question.

The Committee divided.

Ayes, 6.

Mr. Chancellor of the Exchequer,
Mr. Fitzgerald,
Mr. Childers,
Mr. Marsh,
Lord Alfred Churchill,
Mr. Locke King.

Noes, 3.

Mr. Hankey,
Mr. Hubbard,
Mr. Thomas Baring.

Main Question put,—and agreed to.

Several paragraphs agreed to, with Amendments.

Paragraph 16.—Amendments made.—Question put,—" That this paragraph, as amended, stand part of the proposed Report."

The Committee divided.

Ayes, 7.

Mr. Chancellor of the Exchequer,
Mr. Hubbard,
Mr. Fitzgerald,
Mr. Childers,
Mr. Marsh,
Lord Alfred Churchill,
Mr. Locke King.

Noe, 1.

Mr. Hankey.

Paragraph 23.—Amendments made.—Question put,—" That this paragraph, as amended, stand part of the proposed Report."

The Committee divided.

Ayes, 5.

Mr. Chancellor of the Exchequer,
Mr. Fitzgerald,
Mr. Childers,
Mr. Marsh,
Lord Alfred Churchill.

Noes, 3.

Mr. Hankey,
Mr. Hubbard,
Mr. Arthur Mills.

Paragraph 36.—Amendments made.—Question put,—" That this paragraph, as amended, stand part of the proposed Report."

The Committee divided.

Ayes, 5.

Mr. Chancellor of the Exchequer,
Mr. Fitzgerald,
Mr. Childers,
Mr. Marsh,
Lord Alfred Churchill.

Noes, 3.

Mr. Hankey,
Mr. Hubbard,
Mr. Arthur Mills.

Remaining portion of the proposed Report, amended, and agreed to
Question,—" That this Report, as amended, be the Report of the Committee to the House,"—*put and agreed to.*

Ordered, to Report, together with the Minutes of Evidence and Appendix.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

EMIGRATION AGENTS AND LECTURERS FOR
NEW SOUTH WALES.
(CORRESPONDENCE, WITH ENCLOSURES.)

Ordered by the Legislative Assembly to be Printed, 12 June, 1862.

W. B. DALLEY, ESQ., to SECRETARY FOR LANDS.

London, 12 November, 1861.

SIR,

I have the honor to forward, for the information of the Government, a report of my proceedings in England since the date of my first despatch, signed by my colleague and myself.

I have addressed meetings in the Counties of Berkshire, Kent, Surrey, Suffolk, Norfolk, and Hampshire. In each of these places of meeting I have obtained the use of the Guildhall, and in the majority of cases the Chair has been taken by the Mayor of the City.

In estimating the results of the movement already made, it is right that I should inform you of the circumstances which materially affect the possibilities of immediate success. There can be no doubt that in the agricultural Counties of England labour is at present by no means in excess of the requirements of employers, and as a natural consequence, the sympathies of landed proprietors and people of great influence are not with those whose only object is a diminution of the labour of the Country. I have been assured by persons highly competent to form an opinion, that during the late abundant harvest some difficulty existed in procuring sufficient labour; and from the general indifference to the objects of our mission manifested by those identified with the landed interests of the Country, there can be no doubt that some apprehension exists of a deficient supply of labour in the agricultural parts of England.

Under these circumstances I have endeavoured as much as possible, both by means of public addresses and in the course of private interviews, to direct the special attention of the tenant farmers of limited means to the facilities afforded by the proposed land system of New South Wales. The great advantages of the land system have been generally recognized, but at the same time it is of course necessary to explain, that however certain the inauguration of this system may be, it is as yet unsanctioned by an Act of Parliament; and as in furnishing a fair history of the administration of public lands in New South Wales, it is necessary to observe that legislation upon the subject has not been characterized by undue precipitancy, some degree of hesitation is evinced in finally deciding before the policy of the Government becomes the law of the land.

I have the honor to inform you that, in the intervals between the dates of the various meetings to which I have adverted, I have been occupied in the conduct of the business of this Office.

I have, &c.,

WILLIAM B. DALLEY.

MESSRS. PARKES AND DALLEY to SECRETARY FOR LANDS.

London, 18 November, 1861.

SIR,

We have the honor further to report the progress made in the business of this Office.

2. For the last fortnight both Mr. Dalley and Mr. Parkes have been in London, endeavouring to concert plans to render our exertions more effective in obtaining the objects of our mission. We have met with some difficulties which we did not contemplate in the provision

2 EMIGRATION AGENTS AND LECTURERS FOR NEW SOUTH WALES.

provision of steerage passages for persons disposed to emigrate at their own expense. Shipping agents are unwilling to come under the operation of the Passengers Act of 1855 unless a given number of steerage passengers can be guaranteed, and the minimum number that any agent has been induced to name is forty statute adults. Within the last few days we have entered into this definite understanding with Messrs. Houlder Brothers—if we can guarantee the equivalent of forty statute adults, they will open the between decks of their ships to steerage passengers, and not otherwise. Some other difficulties have required our anxious consideration.

3. We continue to receive numerous applications for free and assisted passages, and letters from all quarters of the United Kingdom requiring all kinds of information. Within the last month we have received more than 200 letters from the neighbourhood of Manchester alone, and many of them from persons evidently of superior character; very many of the applicants offer to defray part of the expense of their passages.

4. We have found much difficulty in making persons in humble life understand the Assisted Immigration System now in force. For this purpose we have adopted a circular, copy of which is appended, marked A.

5. Having determined to make an organized effort to meet the proposal of Messrs. Houlder Brothers, we have adopted a circular, to be addressed to persons who express an intention of emigrating at their own expense. We append a copy, marked B.

6. Mr. Parkes reports that he has found a strong desire to emigrate existing in the Colliery Districts of Staffordshire. We append a copy of a letter on the same subject, received this morning from Nottinghamshire, marked C.

7. To enable you to judge of the character of the applications to us, we append six original letters received by one morning's post, marked D, 1 to 6.

We have, &c.,

HENRY PARKES.

WILLIAM B. DALLEY.

[Enclosures in the foregoing.]

A.

*New South Wales Emigration Agency,
10, West Strand, London, 1861.*

Sir,

In reply to your letter, the Emigration Agents beg to offer the following remarks, in further explanation of the Assisted Immigration System of New South Wales:—

2. That system is specially intended to be worked by the people of the Colony, from whose public revenues the grants in aid of Immigration are made. The moiety of the passage money payable by private persons must therefore be paid into the Colonial Treasury, as already explained.

3. By this system it is considered that three principal advantages will be secured:—

1st. The Public Immigration Grants being thus supplemented from private sources, will be rendered more extensively beneficial.

2nd. The sums paid on behalf of Immigrants are regarded as some guarantee of the respectable character of the persons so introduced.

3rd. The assisted Immigrants will necessarily have some person either as employer or friend, who will be interested in their welfare, to receive and advise them on landing in the Colony.

4. You will see that the system does not contemplate such a case as yours. If you have no friend in Sydney, the only way by which you could avail yourself of the assistance of the Colonial Government, would be to find some responsible person in Sydney who has an agent in Sydney, (and there are many merchants and manufacturers who have such connections), to whom you might intrust the amount of the required deposit on your own account, and who would undertake to pay it into the Colonial Treasury for you. This cannot be done, however, through this Office, which is established to afford information respecting New South Wales, to such persons as are disposed, voluntarily, to emigrate, and to whom the desire of permanently improving their condition in life is superior to the consideration of a free passage. The Agents of New South Wales Government, in supplying information, have deemed it part of their duty to explain the Assisted Immigration System, as it exists, but as you have already been distinctly informed, they are not empowered to provide free passages.

5. The whole of the information provided by the Emigration Agents, at public meetings, and otherwise, has been, throughout, consistent with the explanation here given. It may be further pointed out, that the inhabitants of New South Wales, consisting of 350,553 souls, could not possibly find the money necessary for the removal of the tens of thousands in England who would gladly emigrate if they could do so, without cost to themselves. It is proper to add, that the assisted passages under the present system are so eagerly taken up, that the votes of the Legislature are now exhausted.

6. The Assisted Immigration deposits, namely, £5 for a male, and £3 for a female between twelve and forty; £8 for a male, and £6 for a female between forty and fifty; £12 for males and females over fifty; and £3 for a male and £2 for a female under twelve, secure a steerage passage, including provisions, without other cost, and the immigrant is perfectly free when he arrives in the Colony. The emigrant has, of course, to find his own outfit.

We have, &c.,

HENRY PARKES.

WILLIAM B. DALLEY.

B.

*New South Wales Emigration Agency,
10, West Strand, London.*

Sir,

In reply to your letter of the Emigration Agents beg to say that if, when you have finally decided upon going to New South Wales, you will communicate to this Office, they will undertake to provide for you the required steerage accommodation in a first class ship, without your being put to any further expense or trouble beyond the amount of passage money and the cost of your removal to the port of embarkation. As an earnest of good faith in the transaction, however, they will require you to place in their hands before they enter your name in their books, a deposit of £2 on each passage, which they will in due course pay over to the agents of the ship, in reduction of the total amount of your engagement. The Emigration Agents will also undertake to inspect the accommodation of the vessels, and the quality of the provisions, and do all that can be reasonably done to insure your comfort.

EMIGRATION AGENTS AND LECTURERS FOR NEW SOUTH WALES. 3

2. The steerage passage will be £15 15s. for adults, and half price for children under twelve years. The quantity of luggage allowed to each adult will be ten cubic feet. Passengers may, if they think proper, make special arrangements for the accommodation of families, but in such case they must themselves communicate with the agents of the ship.

3. All steerage passengers must provide themselves with the following utensils, viz.:—2 knives and forks, 2 table and 2 tea spoons, a metal plate, a hook pot, 2 drinking mugs, 2 cups and saucers and plates, a water can or bottle, a few pounds of marine soap.

4. All packages must have the passenger's name distinctly marked upon them, with the words "wanted on the voyage," or "not wanted on the voyage." They must be alongside the ship at least three days prior to the date of sailing.

5. First class ships from London for Sydney about the 10th of each month; but to secure a passage it will be necessary to communicate with this Office at least a fortnight before the time of sailing. The average length of the voyage may be set down at 90 days. The following is the scale of victualling for third class passengers:—3½ lbs. biscuit, 1½ lb. of beef, 1 lb. pork, 1 lb. preserved meats, 3 lbs. flour, 6 ozs. suet, 1½ raisins or currants, 1 lb. peas, 1 lb. rice, ½ lb. preserved potatoes, ½ lb. oatmeal, 2 ozs. tea, 1 lb. sugar, 6 ozs. of butter, 1 gill vinegar or pickles, 1½ oz. mustard, ½ oz. pepper, 2 ozs. salt, 6 ozs. lime juice, 21 quarts of fresh water. When fresh beef is issued, 1 lb. to each adult per day will be allowed. There will be no flour allowed, rice, raisins, peas, suet, or vinegar, during the issue of fresh meat. Medical comforts:—A supply of medical comforts will be put on board in the following proportions to 100 statute adults:—56 lbs. oatmeal, 20 lbs. best Indian arrowroot, 40 lbs. Scotch barley, 100 lbs. sago, 20 lbs. tapioca, 300 lbs. sugar, 30 lbs. preserved boiled beef, 20 lbs. preserved boiled mutton, 400 pints lemon juice, 24 bottles port wine, 12 bottles sherry, 66 gallons stout, 5 gallons brandy, 15 gallons vinegar, 12 dozen pints preserved milk, 4 gallons Sir William Burnett's chloride of zinc, ½ cwt. chloride of lime, ½ cwt. Collins' patent disinfecting powders, 2 cwt. marine soap.

We have, &c.,

HENRY PARKES.
WILLIAM B. DALLEY.

C.

16 November, 1861.

Sir,

Seeing the news from New South Wales, dated the 26th September, that owing to the miners at the Newcastle collieries having ceased working, the proceedings on their part have the effect of considerably raising the price of coals both at Sydney and Melbourne, to the great detriment of the colonist, I beg to say that I (and I might guarantee 100 more miners, colliers) would be glad to proceed to New South Wales to there work the coal, providing we had the means, by a loan or otherwise, so as to provide us a passage to the Colony.

Providing you could advise or otherwise inform us to the best means of obtaining a passage to Sydney, you will confer a favour on

Your obedient servant,

WILLIAM CARTER,
Hoper's Yard, near Eastwood, Newthorpe, Notts.

Henry Parkes, Esq.

D 1.

No. 1, Byron Place, Manchester,
9 November, 1861.

Gentlemen,

I hope you will furnish me with the rates of passage, dietary scales, accommodation of ships, and how many suits of clothing I will want, and what money will I need.

A detail of all required will very much oblige, Gentlemen,

Your, &c.,

THOMAS TALLON.

The New South Wales Government Immigration Agents,
No. 10, West Strand, London.

D 2.

Sheffield, 10 November, 1861.

Sir,

I received your letter on the 5th, and return you thanks for the useful information it contains.

I hope you will excuse me for troubling you again, but I wanted the full address where to obtain my passage ticket; it says in your letter, at Sydney, but I should like the full directions as to have the money safe to send for my passage, and how long shall I have to wait, and if I was to enclose the amount of five pounds, would it include all expenses between London or Liverpool and Sydney?

You will oblige, &c.,

G. BARKER.

Care of Mrs. Leahbeaters,
Thomson's Court, Orchard-street, Sheffield.

The New South Wales Government Immigration Agents,
No. 10, West Strand, London.

D 3.

Walsal, 10 November, 1861.

In addition to the paper which you sent me, how could I do that, as I have no relations there; if I was to send according to the age, a Post Office Order to you, or to Sydney, would that do the same?

J. G. HARTILL.

The New South Wales Government Immigration Agency,
No. 10, West Strand, London.

D 4.

4 EMIGRATION AGENTS AND LECTURERS FOR NEW SOUTH WALES.

D 4.

Stourport,
10 November, 1861.

Gentlemen,

I received your kind answer yesterday, for which I am much obliged, and in answer beg to ask if I could pay the passage-money stated in your letter, to you, as I do not know more than two families there; the one lives in Sherwood-street, Melbourne, the other somewhere in the interior. I should also be glad to know when any ship will start that I could go by, also what space is allowed on board for luggage; and, sir, you did not mention whether there was any probability of me and my cousin working at our proper trades when there. I have sent the stamps that are mentioned as the means of my obtaining further information, and I trust I am not giving you too much trouble in giving me that information I so much require. Sir, I hope you will give me the fullest information as soon as possible, and you will confer the greatest boon to your

Obedient servant,
WILLIAM GLOVER,
Boat Builder, Stourport.

The New South Wales Government Immigration Agents,
No. 10, West Strand, London.

D 5.

6, Lion-street, off Woodward-street,
Manchester, 8 November, 1861.

Gentlemen,

I beg to thank you for the information received from you this morning, but I am unable to find in the printed circulars the precise information I want. What I wish to know is, how a person who has no relations or friends in Sydney to pay the necessary amount into the Treasury there, is to get out. Is he to send the money himself to Sydney, and then wait till he is sent for, or can he pay the money there on arrival? Waiting your reply,

I remain, &c.,
ALEXANDER PATTERSON.

New South Wales Government Emigration Agency,
London.

D 6.

Manchester, 8 November, 1861.

Gentlemen,

I beg leave to inform you that I want to know on what terms I may obtain a passage to New South Wales. I am willing to advance the £5 specified in the form you have sent me. I don't understand how I may be able to obtain a passage. I am not able to pay the full passage at present, but if there could be a passage obtained by paying it by instalments after landing in the Colony, I would be willing to engage to pay the full amount on those terms; therefore, I request you will let me know all particulars how there may be a passage obtained, if there be any such thing allowed. By so doing, you will confer a favour on your most humble and obedient servant,

JOHN NORRIS.

The New South Wales Government Immigration Agents,
No. 10, West Strand, London.

P.S.—Please direct your letter in care of James Harrison, 25, Baird-street, Ashton-street, Bank-top, for John Norris. I have enclosed a postage stamp.

HENRY PARKES, ESQ., to SECRETARY FOR LANDS.

Birmingham, 25 November, 1861.

SIR,

Since the date of my separate report, B. No. 1, October 24th, 1861, I have held only two public meetings—one at Kidderminster, and one at Leeds—both of which were numerously attended. I shall address another public meeting to-morrow evening, at Bilston.

2. A considerable portion of the present month I have spent in London, in consultation with Mr. Dalley, and in arranging some difficulties that had arisen in the general business of our mission.

3. In reporting my separate movements, I find more and more every day that the most effective action lies in private intercourse with persons who are interested in the Colony, either with the view of emigrating themselves, or in promoting the emigration of others. While in London I had several conversations respecting New South Wales with men of established influence in political and literary life, and I was very much gratified by the warm interest in Australian progress, and the broad views on the subject of colonization, expressed by those eminent persons. In the country, too, I am beginning to find more persons of influence who offer me their cordial co-operation and assistance; but it is chiefly by personal communication with the emigrating class, frankly explaining to them the condition of the Colony, and their own prospects of success as colonists, and advising them according to the different circumstances of their cases here, that the work indicated above is to be done. Of late I have frequently had interviews with whole families of this class. Men come to me with their wives and a son or daughter, or perhaps a friend—lay their case before me, apparently with the utmost confidence, and explain their views in wishing to emigrate, which sometimes discover a long course of thought and inquiry on the subject. I am at present in communication with several families, who reckon that after removing themselves

EMIGRATION AGENTS AND LECTURERS FOR NEW SOUTH WALES. 5

themselves to Australia they would have little capitals ranging from £100 to £600, and I have reason to believe that their lot will be cast among the inhabitants of New South Wales next year. In this way—travelling, corresponding, and giving personal interviews—I have been much occupied of late, and shall be for some time to come, in the Middle and Northern Counties.

4. These Counties are so important in population and the variety of their industrial interests, and have always been so distinguished for their progressive spirit and enterprise, and they are at the same time so intimately connected in trade and commerce with New South Wales, that it is to be regretted that more cannot be done to diffuse amongst their skilful artizans and intelligent agriculturists a correct knowledge of the Colony. If we take the seven Counties of York, Lancaster, Chester, Stafford, Derby, Warwick, and Worcester, they give us considerably more than one-third of the total population of England and Wales; and these valuable qualities of the English character—the disposition and ability to improve every art of industry—are nowhere to be met with more frequently than here, while their manufacturers are unrivalled, their farms perfect models of cultivation, and everywhere you are struck by the vigorous character of the people. These facts of their condition are made apparent by the results of the late Census. During the last ten years, the progress made by some parts of England is scarcely perceptible, and five Counties have actually and very sensibly declined, while the advance of the seven Counties named has been astonishingly rapid. The accompanying table will shew their extent and increase of population:—

	Population, 1851.		Population, 1861.		Increase.
Yorkshire.....	1,797,995	.....	2,033,051	.....	235,056
Lancashire	2,031,236	.....	2,428,744	.....	397,508
Cheshire	455,725	.....	505,153	.....	49,428
Staffordshire.....	608,716	.....	746,584	.....	137,868
Derbyshire	296,084	.....	339,377	.....	43,293
Warwickshire	475,013	.....	516,728	.....	86,715
Worcestershire.....	276,926	.....	307,601	.....	30,675
Total... ..	5,941,695	.....	6,922,338	.....	980,643

Strange to say, this populous part of England, which receives all our wool, and is destined, I hope, to receive our cotton, and which supplies us with nearly all our manufactured woollens, cottons, and hardware, has been generally overlooked by the advocates of Emigration. I recollect no effort of the kind to direct the attention of this portion of the English people to New South Wales, except a lecture in Leeds some years ago by Mr. Donaldson.

5. The Census Returns supply some curious facts relating to general Emigration. During the last ten years it appears that the enormous number of 2,249,355 persons have emigrated from the United Kingdom—the majority of whom must have gone to increase the strength of foreign nations. The relative numbers from the three Kingdoms have been 640,210 English, 183,627 Scotch, and 1,230,936 Irish, with 194,532 persons of Foreign origin.

6. It is surprising that the English statesmen should be blind to the national importance of turning this torrent of Emigration to the British Colonies. Yet persons of great influence in the political world are frequently met who manifest so adverse a feeling towards the Australian Colonies, not definitely expressed, it is true, nor entertained from any very clear convictions on the subject, but not the less, in its practical operation, adverse to our interests. They are afraid of “stimulating” Emigration—they tell you it is the best class of people who emigrate. They want the Colonies to produce wool and cotton, if possible, and they want them to consume large and increasing quantities of manufactures; but it would seem that they want them to produce and consume without population. Among too many of the propertied classes the Colonies are regarded in the light of a convenience, though even that light is very confined. A few days ago a wealthy manufacturer and influential politician was speaking to me of New South Wales—“It is a fine country,” he said, “It sends us amazing quantities of wool and gold, and it is a splendid customer for our manufactures; I do a good trade with Sydney myself; don’t you think the colonists “could be persuaded to take our convicts again?”

7. Nor is this an exaggerated instance of remarks continually made which evince the same feeling—a want of hearty recognition of the Colonies, morally and socially, and as an integral part of the Empire. But among the more provident and thoughtful of the working classes, including those who do not work for weekly wages, there is a keen desire for information respecting the Colonies; and the number of persons who have entertained thoughts of Emigration, more or less influencing their course of life for years past, is quite surprising. It appears to me that these are the persons most likely to make good colonists, and, as a rule, I spare no pains in affording them information, however numerous and tedious their inquiries may be.

8. I beg to enclose, for your information, a statement of my separate expenditure on public account, to the 24th October inclusive.

I have, &c.,
HENRY PARKES.

HENRY

6 EMIGRATION AGENTS AND LECTURERS FOR NEW SOUTH WALES.

HENRY PARKES, Esq., to SECRETARY FOR LANDS.

Bradford, 18 December, 1861.

SIR,

Since the date of my separate Report by the November mail, I have been employed very much in the manner I then explained—holding meetings, and corresponding with and seeing persons privately on matters relating to the Colony.

2. The following is a continued enumeration of the meetings I have held since the date of my first separate Report in October :—

Nov. 20—At Kidderminster, in the Music Hall, the Right Honorable Lord Lyttleton in the Chair. Pop., 15,398.

Nov. 21—At Leeds, in the Music Hall, Mr. Councillor Carter in the Chair. Pop., 207,153.

Nov. 26—At Bilston, in St. Mary's School, the Revd. H. F. Newbolt, M.A., in the Chair. Pop., 25,000.

Dec. 6—At Solihall, in the Town Hall, the Revd. P. M. Smythe, M.A., in the Chair. Pop., 3,277.

Dec. 10—At Westbromwick, in St. George's Hall, Capt. H. Williams in the Chair. Pop., 34,591.

Dec. 11—At Stratford-upon-Avon, in the Town Hall, Henry Lane, Esq., Mayor, in the Chair. Pop., 3,672.

Dec. 12—At Redditch, in the National School-room, the Revd. Geo. F. Fessey, M.A., in the Chair. Pop., 6,141.

Dec. 17—At Bradford, in St. George's Hall, William Clyde, Esq., in the Chair. Pop., 106,218.

3. All these meetings have been numerously attended. At Stratford several respectable farmers from the surrounding districts were among the audience, whose positions were described to me after the meeting.

4. I selected Solihall by way of experiment; it is a compact little old town amidst trees and green fields, with the hares and rabbits coming up to the gardens of the inhabitants. Though it has regular streets closely built, and boasts a Town Hall, not a book nor a newspaper is to be bought in the place; and the three or four new houses which have been precipitated into existence by the railway terminus seem to have broken in upon a century's sleep enveloping all the rest. The Vicar, the Revd. Patrick Murray Smythe, kindly gave me the use of the Town Hall, and consented to preside at my meeting; but he told me beforehand that I had little chance of getting an audience. The room, a good sized one, was, however, well filled, apparently by a fair sprinkling of the inhabitants; and since the meeting I have had many inquiries from the neighbourhood of Solihall.

5. A day or two after the meeting, two young men, farm labourers, came over to Birmingham to see me, and though I was absent, and they were informed it was uncertain when I should return, they came a second time. I had a long conversation with these men, explaining to them very fully the cost and nature of the voyage to Australia, and their chances of success in New South Wales if they could get there. One of them, a remarkably fine specimen of his class, informed me that his present earnings when fully employed are 12/ a week, out of which he pays 2/4 for a house, leaving 9/8 to support himself, wife, and child. I cannot describe to you the blank disappointment of these men when they clearly understood that they could obtain no assistance to enable them to remove to the Colony; the cost of the passage being evidently beyond any means they could hope to possess.

6. Yesterday I received a letter from Solihall signed by four farm labourers, and a similar application from the clergyman of a neighbouring parish, who writes on behalf of other inquirers.

7. Of course I have particularized the case given above, so far as it expresses the anxiety of valuable people to emigrate who have not the necessary means, as one out of many similar cases; not for any importance that can attach to it alone.

I have, &c.,

HENRY PARKES.

MESSRS. PARKES AND DALLEY to SECRETARY FOR LANDS.

Birmingham, 25 December, 1861.

SIR,

We have the honor to acknowledge the receipt of your several communications of October 21st—one in acknowledgment of our report of the date August 24th, one transmitting to us six copies of the General Abstract of the Census of New South Wales, and one informing us that the Royal Assent has been given to the Land Bills, and transmitting to us twelve copies of those Acts.

2. We shall lose no time in giving publicity to the Land Acts, in such manner as may appear most likely to bring their provisions extensively under the notice of the English public. We much fear, however, that it will not be practicable to obtain their publication in the columns of influential English newspapers, which, just in proportion to the extent of their circulation, are reluctant to devote their space to matter relating to the Colonies.

We have, &c.,

HENRY PARKES.

WILLIAM B. DALLEY.

W. B. DALLEY, ESQ., to SECRETARY FOR LANDS.

*New South Wales Government Emigration Agency,
10, West Strand, London,*

25 February, 1862.

SIR,

I have the honor to forward, for the information of the Government, a report of my proceedings since the date of my last despatch, No. 5, sent by the November mail.

1. During the months of November and December I addressed meetings in Bedfordshire, Hertfordshire, and Devonshire. Having resolved, with the concurrence of my colleague, upon visiting Ireland, I left this Office early in January, and, on my arrival in Ireland, commenced active operations for the furtherance of the objects of our mission. I addressed meetings in the Counties of Limerick, Kilkenny, Carlow, West Meath, and Galway. In all cases these meetings were crowded, and, on more than one occasion, the accommodation of the places of meeting was wholly insufficient for the large number of persons anxious to obtain information concerning the Colony.

2. These addresses were followed in each place by a generally expressed desire on the part of the audience for an opportunity of personally communicating with me, and, as far as possible, I endeavoured to make my arrangements subservient to an object which seemed to me so desirable.

3. In Kilkenny I had interviews with several hundred people, and I perceive, on my return, more than 250 letters have been addressed to this Office from that place alone. This extraordinary desire to emigrate must, however, be attributed, not so much to the attraction of the industrial condition of our Colony, as to the wide-spread distress of Ireland at the present time, and the little hope entertained by the labouring classes of any early amelioration of their present condition. The partial failure of two successive harvests has reduced even the class of respectable tenant farmers to poverty; and, in the crowd of petitioners for Government assistance towards defraying the cost of emigration, I have met many men of small capital, who, although unable to advance the whole of the money necessary for the transport of themselves and their families, would be prepared to pay here a larger sum than that required by depositors in the Colony, under the Immigration Regulations at present in force.

4. During my stay in Ireland, I ascertained that the Government of the British North American Colonies had established, in nearly all the leading towns, Agencies, for the purpose of furnishing accurate information concerning the condition and resources of those Colonies; and representatives of some of the Colonies had preceded me in the Counties of Kilkenny and Galway, where they addressed meetings, convened for the purpose of describing the social, political, and industrial condition of their respective Colonies. Advertisements, similar to the one of which a copy is appended to this despatch, are inserted in most of the leading journals, while, at some of the more centrally situated railway stations, placards are posted, purporting to be issued by the authority of the Colonial Governments, and furnishing information of the land system, means of communication, and climate of the Colonies.

5. I have the honor to direct your attention to these matters, with the view of explaining to you our exact position. As the representatives of the most distant, we are in active competition with those of the nearest British Colonies. Without entering into the question of the vast difference in the price of land between the Canadas and New South Wales, or the free grants obtainable in the former, to the extent of 100 acres, it will be obvious that the facilities of transit enjoyed by emigrants to British North America almost preclude the hope of any immediate success crowning our exertions in Ireland. At the same time I may remark that, owing to the continuance of the American war, no very strong disposition exists in favour of emigration to Canada.

6. I shall forthwith, with the approval of my colleague, make such arrangements as I may conceive to be necessary, for the purpose of publishing in Ireland the various papers which have already issued from this Office, and an abstract of the Land Acts and Regulations, upon the preparation of which Mr. Parkes is now engaged.

I have, &c.,

WM. B. DALLEY.

[*Copy of Advertisement.*]

EMIGRATION TO CANADA.—The Government of Canada is now selling fine agricultural land in Upper and Lower Canada, in lots of 200 acres each, to settlers, at the low rates of one shilling to four shillings per acre, payable one-fifth down, and the balance within four years. Twelve main lines of road, seven in Upper and five in Lower Canada, have been recently opened, on which free grants of land of 100 acres each, are allotted to actual settlers, on the performance of easy settlement duties. A short passage of ten to twelve days in the steamer sailing from Londonderry every Friday, for Portland, in the winter, and Quebec in summer, places the emigrant within forty hours run by rail or steamer, of almost every part of Canada, where he can secure for himself a home and independent position in a country blessed with a fine soil, salubrious climate, and the thorough enjoyment of civil and religious liberty, under a free Government, where perfect security for life and property is guaranteed. There is a better opening for farmers or skilled farm labourers than for any other class. (An absence from employment at any large public works causes unskilled labour not to be in demand at present.) Pamphlets published by and with the authority of the Canadian Government, expressly for the information of emigrants, and containing no statement which cannot be depended upon, may be obtained, and any information concerning the condition and resources of Canada, will be afforded, on application personally or by letter (post-paid) to E. J. Charlton, Emigration Agent for the Government of Canada, 25, Sackville-street, Dublin.

MESSRS:

8 EMIGRATION AGENTS AND LECTURERS FOR NEW SOUTH WALES.

MESSRS. PARKES AND DALLEY to SECRETARY FOR LANDS.

London, 26 February, 1862.

SIR,

We beg to acknowledge the receipt, on the 18th instant, of your three communications of December 20th, transmitting to us copies of the Gold Fields Management Act, the Chinese Immigration Regulation Act, and of the Crown Lands Regulations; also, a copy of a letter from Mr. Charles Nicholson, respecting the proposed introduction into New South Wales of young females from the Union Poorhouses of England, and requesting our report thereon.

2. With reference to the subject brought under the consideration of the Government by Mr. Charles Nicholson, at present we can only say that it is quite new to us. Though we have come in contact with many gentlemen connected with county affairs, and have otherwise had opportunities of becoming acquainted with the proposals of those officially charged with the management of the indigent poor, we have received no suggestions of the kind. We will make inquiries on the subject, and report upon it by next month's mail.

We have, &c.,
HENRY PARKES.
WILLIAM B. DALLEY.

CHARLES NICHOLSON, ESQ., to COLONIAL SECRETARY.

Sydney, 3 April, 1861.

SIR,

I have the honor to bring under your official notice the subject in relation to which you did me the favour of entering into some details in our interview of yesterday. The facts to which I now respectfully invite your attention are these:—

1. I have received a communication from England by the last mail, to the effect that a number of benevolent individuals—the most active amongst whom is the Bishop of Oxford—are desirous of facilitating the settlement of young women in these Colonies, on their leaving the Union Poorhouses. The proposition is conveyed to me in the following terms, viz., to send out to the Colony, at an early age, the girls whose fate in England is the Workhouse Union, and to so arrange that they shall be educated in the Colony until they are fit for household service; that they should be sent to the Colony free of any cost to it. My correspondent then proceeds to inquire whether such a scheme would be practicable or acceptable to the colonists. If declared to be so, I am led confidently to infer that the Right Reverend Prelate above referred to, and those associated with him in this humane enterprise, will be prepared to give effect, on their parts, to the proposal now made.

2. In immediate connection with this subject, I beg to refer to the fact that, when recently in England, I had frequent interviews, and some lengthened correspondence, with the Guardians of various Poor Law Unions, and also with the Right Honorable the Poor Law Commissioners, on the subject of the emigration of young persons, of both sexes, from the Union Poorhouses, to these Colonies. Without any official authority to act in the matter, I ventured to suggest, as the basis of an arrangement between the Colony and the above institutions, that from funds to be provided in England, a contribution equal to the amount ordinarily paid as an apprentice fee with pauper children (about £10), should be contributed towards the outfit and passage of all young persons willing to emigrate to the Colony, the latter undertaking to make good the balance incurred in the cost of passage out; the amount of the difference chargeable upon the Colony would not, in such a case, exceed £5 or £6 a head.

It was a further suggestion that these juvenile emigrants should, on their arrival, be apprenticed for short periods (under the direction of a responsible Board of Guardians, appointed by the Government) to persons of known respectability of character. I believe that any one empowered to act on behalf of the Colony would find no difficulty in concluding some arrangements of this kind, alike beneficial to the Mother Country and to this community.

I beg most earnestly to press the foregoing proposals on the attention of the Government. I am quite persuaded that a numerous and almost unlimited supply of most useful emigrants may be secured to the Colony, at a comparatively trifling cost, in the class herein referred to. I may add, that a useful though plain elementary education is afforded to the children in the schools attached to the Poor Law Unions; that most of them are unhappily destitute of all friends or kindred binding them to the land of their birth; and that, consequently, arriving in the Colony at an early age, it would be regarded by them as their permanent home; and all their happiest associations would be blended with the country in which a course of useful and well-requited industry would be found in exchange for that of hopeless penury, which they leave behind them.

I have, &c.,
CHARLES NICHOLSON.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

EMIGRATION AGENTS AND LECTURERS FOR NEW
SOUTH WALES.

(FURTHER CORRESPONDENCE.)

Ordered by the Legislative Assembly to be Printed, 20 June, 1862.

MESSRS. PARKES AND DALLEY to SECRETARY FOR LANDS.

London, 25 April, 1862.

SIR,

We beg to acknowledge the receipt of two communications, one of 7th February, transmitting to us six copies of the Gold Fields Regulations, issued under Act 25 Vic., No. 4; and one of 19th February, in which we are informed that by the March mail the Government will apprise us of the time at which it desires our labours to be brought to a close.

2. In several of our former reports, we took the liberty of urging on the attention of the Government the expediency of some change in the Immigration System of the Colony, by which persons of good character, who could pay at least half the cost of their passage, might be selected in England. Under the circumstances in which we found ourselves placed, surrounded by unprecedented activity on the part of Agents of several other Colonies, we considered it our duty to make these representations, though we were fully sensible that our suggestions, if they were adopted, might greatly add to the difficulty of our own labours. We could not but believe, that any change by which the grants of the Legislature for Immigration purposes could be expended with more extensive benefit to the Colony, assuming the object to be the increase of the population, was a change on every ground to be desired. We never permitted these considerations, however, to divert our efforts from the special object for which we conceived we were sent to England; and we have unremittingly endeavoured, by every available means, to diffuse among all classes of the British public a correct knowledge of the Colony, with the view of inducing a spirit of voluntary emigration. We feel confirmed in the opinion that voluntary emigration to any new country must, as a general rule, supply the best description of persons, as it necessarily carries with it habits of industry and thrift, and some resolution of character, and in many cases, undoubtedly, more or less of capital. A system of public aid to those who can in part help themselves, is certainly the next most likely to secure these valuable qualities.

3. To enable you to judge of the manner in which we have endeavoured to attain the first object just stated, we will now briefly summarize the principal of our proceedings. We have addressed fifty-eight public meetings in different parts of England and Ireland, many of which have been very numerous, while all have been attentive and conducted with the greatest order. Between 1,300 and 1,400 letters have been received at the London Office, from persons seeking information in all parts of Great Britain and Ireland, and this number of letters has probably been doubled by second and third communications from the same applicants. Irrespective of these, a large number of similar letters have been received and answered by Mr. Dalley and Mr. Parkes when absent from London, of which no record has been kept. In furtherance of the same object, we have published papers and pamphlets, as particularized below:—

12,000 copies of a paper, containing information as to the public lands, population, produce, schools, wages, emigration system, and Government of the Colony.

10,000 copies of summaries of two addresses delivered by Mr. Parkes.

10,000 copies of a report of an address delivered by Mr. Dalley.

50,000 copies of a pamphlet, containing the principal provisions of the Land Acts, and a brief sketch of the Colony, with map.

2 EMIGRATION AGENTS AND LECTURERS FOR NEW SOUTH WALES.

4. It would be difficult to give any estimate of the number of persons, of nearly all stations in life, with whom we have had personal intercourse on the subject of Australia, with special reference to New South Wales. But scarcely a day has passed, wherever we may have been, without inquiries of this character. We may also point out that our public meetings, in nearly all cases, have been reported, sometimes at considerable length, in the local newspapers, which reports must have largely contributed to the same end of making the Colony better known.

5. How far these efforts will be followed by tangible results, in the shape of voluntary emigration to Sydney, we cannot pretend to say. It must be admitted that the "Voluntary Principle" has been tried at an unfavourable time, in respect to the strenuous exertions being now made on behalf of other Colonies, where substantial inducements are offered to the emigrant. But the mission with which we have been intrusted appears to us to have been the more necessary, on account of the activity of others, for without it the British public would, in a great measure, have lost sight of New South Wales. As you were informed by our report of October last, we endeavoured to organize a system of assistance for such persons as proposed to emigrate at their own expense, the ends aimed at being simply to secure a passage in a good ship and provide all necessary information, without loss of time and money to the emigrant himself. We could not carry out this, however, unless we could obtain the complement of forty passengers to a ship; and up to the present date the plan has not succeeded. Men who have to bear the whole cost of their removal, seem to think, perhaps not unnaturally, that they had better undertake the whole arrangement themselves. Whatever be the amount of good which may result from what we are doing, it must, unquestionably, diffuse itself through the whole course of transactions between England and the Colony, and over a number of years, and can scarcely be estimated from any facts we have stated.

6. We have collected such information as we thought might be of value to the Government, and not easily obtainable on the spot, respecting the emigration going on to other Colonies, whose Agents are most active in Europe.

7. The Province of Canterbury, in New Zealand, has, during the last seven years, made an annual appropriation for assisted emigration from the United Kingdom. The result of the expenditure is an increase of population of 7,200 souls. The direction of the system is entirely confined to a representative of the Colony, whose judgment determines the amount of the contribution to be paid by the intending emigrant. This payment is, in a great degree, regulated by the Agent's estimate of the eligibility of the emigrant for Colonial employment. The discretion of the Agent is only fettered in the cases of single males, who are required to pay at least £5. The Government is always prepared, to the extent of its funds, to pay towards the passage of the emigrant a sum equal to that which he deposits. Thus, if the emigrant pays £8 10s., the passage-money being £17, the Government pays the balance, and no further demand is made upon the emigrant. On the other hand, if the emigrant only pays £5, the Government, although procuring him a passage, compels him to sign a promissory note for the remaining £7, the difference between the two equal contributions of emigrant and Government and the total cost of passage. The Agent in London transmits to the Province, on the departure of each ship, a document, containing the names and descriptions of the persons who have sailed, which, after their arrival, is advertised in the Province. The emigrants are provided for by the Government until employment can be obtained.

8. Emigration to the Cape of Good Hope has been, up to a recent period, conducted according to the provisions of the Act No. 8, of 1857, of the Colonial Parliament. The selection of all emigrants has been intrusted to a Commissioner specially appointed by the Governor, and responsible to the Colonial Government. The Immigration Regulations of July 25th, 1857, state:—"With the view of insuring the most eligible description of emigrants that can be obtained, His Excellency considers it essential that their selection should be wholly intrusted to an Emigration Commissioner, specially appointed by the Governor on behalf of this Colony, who shall be responsible to the Colonial Government for the due discharge of the onerous and important duties devolving upon him." Under the control and direction of the Commissioner are a sufficient number of Sub-Emigration Agents, some of whom are persons who have been residents in the Colony. A *free passage* is granted to agriculturists and farm servants generally, domestic servants of all sorts, male and female, and to nearly all kinds of mechanics and artizans, as well as to vine-dressers and wine-makers from Continental Countries. The chartering of vessels for the conveyance of emigrants is left to Her Majesty's Land and Emigration Commissioners, in communication with the Colonial Commissioner, and the appointment of Surgeons rests with the former. The age of married couples must not in either case exceed 45 years, but it is permitted to the Commissioners to enlarge the term in reference to the ages or numbers of their families; single women must be under 40. The Colonists are entitled to select in England servants in accordance with the regulations, and upon approval by the Commissioner to procure a *free passage* in emigrant ships for persons so selected; or if their servants be conveyed in a *private ship*, they are entitled to an allowance at the rate of £10 for each statute adult. The payment of £1 by every male adult, and 10s. by every single female, is required by the Commissioner as a contribution to provide bedding and mess utensils for the voyage. Everything, except clothing, is found by the Commissioner; and no contribution is required from married women or from children under 14. Since this system has been at work, thirty vessels have been despatched, carrying 8,504 persons to the Colony, besides 299 to whom assisted passages have been granted in private ships, as before explained.

9. We cannot ascertain that any pecuniary assistance is given by the Government of Canada to emigrants. There are Emigration Agencies at Quebec, Montreal, Ottawa City, Kingston,

Kingston, Toronto, and Hamilton; and in the United Kingdom at Plymouth, Dublin, and Londonderry. There are Agents also on the Continent of Europe. The business of these Agencies appears to consist principally in the diffusion of trustworthy information concerning the demand for labour, and the progress of settlement in Canada. Publications explanatory of the condition of the Colony are issued from the Government Immigration Office, Quebec, the last of which bears date February, 1862, and from the Bureau of Agriculture, Quebec. The latter department of the Colonial Government collects, by means of the Municipal authorities, statistics of the labour requirements of the various districts, and is thus enabled to inform the working classes of the United Kingdom of the precise necessities of the Colony. 7,000,000 acres of Crown lands are surveyed and open for sale, at prices varying from 10d. to 4s. per acre, to be sold in lots from 100 to 200 acres; and the Provincial Government has recently opened seven great lines of road in Upper Canada, and five in Lower Canada, along the whole length of which *free grants of 100 acres* may be obtained by any settler not less than 18 years of age, who, (1) takes possession of his lot within one month from its allotment to him; (2) cultivates 12 acres of land within four years; and (3) builds a log-house, 20 feet by 14 feet, and resides on the lot until the conditions are fulfilled. First-class steamers leave Liverpool, Londonderry, and Glasgow, weekly, from April to November, direct for Quebec; the steerage passage being for adults, seven guineas, and for children under two years of age, one guinea. Information concerning the routes, distances, and rates of passage by railway and steamer from Quebec to the principal places in Canada and the United States, is all furnished by the various Agents. It is in this way that emigration to Canada appears to be conducted; the great attractions consisting in the "free grants," and the cheapness of the passage. In all the towns of Lancashire and Yorkshire, at the present time, large placards are posted with the heading, "Emigration to Canada. Free Grants of 100 acres."

10. Emigration to Queensland, as you are aware, is of two kinds. Free passages are procured for domestic servants, farm labourers, vine-dressers, and mechanics; and this emigration is superintended by the Colonial Commissioner in England. Persons taking emigrants of the above classes to the Colony at their own expense, are entitled to a land order of the value of £18 for every adult, and £9 for every child between the ages of four years and fourteen; emigrants paying their own passages are entitled to *free grants* of land to the amount of £30 for each adult, and £15 for each child between the ages of four and fourteen years. These land orders are granted to the extent of £18 per adult immediately on arrival, and the remaining £12 at the end of two years continuous residence in the Colony. The duties of the Colonial Commissioner are entirely independent of the Office of Her Majesty's Land and Emigration Commissioners in London.

11. It will not be a matter of surprise, with the systems of emigration ably advocated by the Colonial Agents in England, and all of them presenting either free passages or free grants of land to the emigrant, that many who are canvassing the advantages held out by different Colonies turn their attention from New South Wales, which gives no land and leaves the emigrant to pay the full amount of his passage. Indeed it is within our knowledge that persons who have been decided to emigrate by our advocacy of New South Wales, have ultimately gone to other Colonies, to which they could remove their families without so heavy a drain on their pecuniary means. To many Englishmen in the humbler ranks of life, the decision that presses hardest is to leave their Native Country,—that point once decided, all other countries seem alike; and perhaps in the majority of instances, they are decided in their choice more by the facilities offered, and other transitory circumstances, on this side, than by any serious contemplation of their future chance of success in a distant Colony.

We have, &c.,

HENRY PARKES,
WILLIAM B. DALLEY.

1862.

NEW SOUTH WALES.

CHINESE IMMIGRATION ACT.

(DESPATCH.)

Presented to both Houses of Parliament, by Command.

SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR JOHN YOUNG.

(No. 11.)

Downing-street,
26 February, 1862.

SIR,

I have to acknowledge your Despatch of 22nd November last, No. 87, enclosing an Act passed by the Legislature of New South Wales, entitled, "*An Act to regulate and restrict the Immigration of Chinese.*"

By this Act it is provided that no ship shall introduce Chinese into New South Wales in a greater proportion than 1 to every 10 tons of her burthen, and that for each Chinese arriving in the Colony, whether by sea or land, a tax of Ten pounds shall be paid. £10. Those already in the Colony are however exempted, on obtaining a certificate from the nearest Clerk of Petty Sessions or Gold Commissioner, before the 23th of the present month. It is further provided that no certificates of naturalization shall in future be issued to Chinese.

You state that you felt so much doubt as to the policy of this Act that you were at first disposed to reserve it for the signification of Her Majesty's pleasure, but that as similar Acts passed in Victoria, had received Her Majesty's assent, and as your Attorney General did not concur in the objections you took to some of the provisions, you decided not to withhold your assent from the Act, or to delay its coming into operation. The provisions which appeared to you specially objectionable, and to which you called the particular attention of the Attorney General, are those which restrict the number to be brought in any ship and prohibit naturalization for the future.

I perfectly understand and appreciate the sentiments which indisposed you to give your assent to this Act, without previously submitting it for the consideration of Her Majesty's Government. It cannot be denied that exceptional legislation intended to exclude from any part of Her Majesty's Dominions the subjects of a State at peace with Her Majesty, is highly objectionable in principle, and that recent transactions with the Chinese Government render it very inopportune to adopt such a measure towards Chinese subjects at this moment. Nevertheless Her Majesty's Government cannot shut their eyes to the exceptional nature of Chinese Immigration, and the vast moral evil which accompanies it. The entire absence of women among the immigrants, their addiction to the peculiar vices thence arising, their paganism and idolatrous habits must make them, where they bear any considerable proportion to the general population, a misfortune to any Colony situated as are the Australian Colonies. In New South Wales the Chinese Immigrants amount, as I understand, to about 21,000, or about 1 in 16 of the whole population, and they form, of course, a very much larger proportion of the adult males. I am compelled to admit that strong as are the objections, in point of principle, to legislation of this description, I could not advise Her Majesty to refuse her assent to a measure which the Legislature of New South Wales consider necessary to protect the Colony against so undeniable an evil.

But if the principle of such legislation be admitted, there remains the question whether the provisions by which it is proposed to carry it out, are open to objection. Those provisions are first a restriction of the number to be introduced in proportion to a ship's size; second, a tax; and third, a denial of naturalization. You appear to consider the first and third of these provisions more objectionable than the second. In respect to the first, viz., the restriction of the number to be brought in a ship, it does not appear to me that any interference is required. If the right to obstruct Chinese Immigration be conceded, it is perhaps better that the obstruction should be directed to prevent the arrival of the immigrants than to discourage or harass them after they are arrived. The restriction

does not place the British shipowner at any disadvantage, as compared with others, inasmuch as it applies to all ships indifferently. All that is necessary is, that it should be made known in the Chinese ports from which emigrants are likely to proceed to New South Wales, and this information I shall direct the Governor of Hong Kong to make public.

In respect to the denial of naturalization I cannot but think that such a provision is unnecessary and impolitic. Unnecessary because the great bulk of the Chinese return to their country as soon as they have amassed some money. Impolitic because if any remain they will be the most intelligent of their race, and those most disposed to adopt the Christian religion and habits; and it is unwise to withhold from such persons any inducement to become good subjects. I should be glad, therefore, to hear that the Legislature of New South Wales had been induced to re-consider this provision, which, as it stands, gives an illiberal and harsh appearance to their Legislation, which, I am sure, they did not intend.

The great vice of the Chinese Immigration is, as I have observed, its exclusively male character. The Chinese Immigration to the West Indies was formerly the same, and so strongly did Her Majesty's Government at that time feel its evil that they prohibited altogether the importation of Chinese by public funds. But latterly the obstacles to female emigration from China have been overcome by the energy and good management of the agent employed for the West Indian Colonies, and the recent policy of the Chinese Government gives room to hope that no further obstacle will be interposed on their part against such Emigration. If a proportion of women could be obtained with the Chinese who proceed to New South Wales, the Emigration, so far from being an evil, might become a benefit to the Colony. But as the Emigration is spontaneous, and there is no British officer to control or influence it at the port of embarkation, there is no probability that any change in its nature will be made unless some inducement is held out to the Chinese by the Legislation of New South Wales. It appears to me that such an inducement might be found in a relaxation of the present Act in favour of Chinese bringing their wives with them into the Colony. It might, for instance, be provided that in such a case the numbers to be allowed in any ship might be increased, or that the women should be admitted over and above the complement that the law allows, or the tax on men accompanied by their wives might be reduced, and no tax be required for the wife, and men so accompanied, if they desired to remain in the Colony, might, on certain conditions, obtain letters of naturalization. Such a measure might have a beneficial effect in China, and it would, at all events, serve to mark the feature in the immigration which constitutes its special objection, and it would divest the law of the imputation to which it might now be exposed—of being dictated by jealousy of the Chinese on the part of those with whom the Chinese might enter into competition as labourers or producers.

I have, &c.,

NEWCASTLE.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ASSISTED IMMIGRATION.

(REGULATIONS, DATED 21 JUNE, 1861, WITH TWO CIRCULAR LETTERS RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 21 October, 1862.

Department of Lands,
Sydney, 21 June, 1861.

His Excellency the Governor, with the advice of the Executive Council, has been pleased to establish the following Regulations for Assisted Immigration, under the Act 24 Vict., No. 26:—

1. Any person resident in the Colony, who may be desirous of introducing from the United Kingdom Immigrants of the labouring classes, will be permitted to do so on making the following deposits, and subject to the conditions hereinafter named:—

SEX.	Age.			
	Under 12 years.	12 and under 40 years.	40 and under 50 years.	All above 50 years.
Male	£ 3	£ 5	£ 8	£ 12
Female	2	3	6	12

2. Such deposits must be made, if in Sydney, at the Government Immigration Office, between the hours of 10 a.m. and half-past 2 p.m., and if in the Country Districts, with the Clerks of Petty Sessions, during the usual office hours. Any sums which depositors desire to add, for the purpose of providing for their nominees the outfit required by the Immigration Commissioners in London, will be received at the same time, and transmitted to the Commissioners. The estimated cost of such outfit for an adult is about £3.

3. The Immigrants must be brought out in ships chartered by Her Majesty's Emigration Commissioners in London, and the depositor will be required to afford all such information respecting the Immigrants he proposes to introduce, as may be necessary to enable the Agent for Immigration or Clerk of Petty Sessions to comply with his application and the requirements of these Regulations.

4. The persons eligible under these Regulations are mechanics of every description, domestic servants, and all persons of the labouring class. They must be of sound mental and bodily health, and of good moral character

5. No advantage will be allowed in respect of any person brought out as a cabin or intermediate passenger.

6. Passages will not be granted under these Regulations to children under 15 years of age, unless forming part of a family, or unless their parents be resident in the Colony.

7. Depositors must undertake to provide for the Immigrants they introduce after the expiration of ten days from the time of their arrival, or pay to the Government for their subsistence at the rate of 1s. per day for each adult, or half that amount for each child under the age of 12 years, so long as they may be maintained at the public expense after the expiration of that period.

8. In the event of any person nominated for a passage declining to emigrate, or in case the amount deposited shall exceed that required for the number of Immigrants actually introduced, the amount deposited, or the excess, as the case may be, will be returned to the depositor upon receipt in the Colony of the Emigration Commissioners' report recommending its refundment.

9.

9. The Clerks of Petty Sessions, on receipt of any deposit under these Regulations, will immediately remit the amount to the Agent for Immigration at Sydney, with a statement of the number and description of Immigrants whom the depositor wishes to introduce. The Agent for Immigration will thereupon prepare and forward to the Clerk of Petty Sessions, for delivery to the depositor, a Passage Certificate. Similar Certificates will be issued to depositors in Sydney, on payment of their deposits to the Agent for Immigration.

10. The Passage Certificate must be forwarded by the depositor to his friends or agents in the United Kingdom, and it must in every case be produced within *twelve months* from the date of it to Her Majesty's Emigration Commissioners in London, who will provide passages to the Colony for the Immigrants proposed to be introduced.

11. Forms of application, as well as all other information for the guidance of depositors, can be obtained from the several Clerks of Petty Sessions in the Country Districts, or in Sydney at the Office of the Agent for Immigration.

12. These Regulations will take effect on and after the 1st July next.

JOHN ROBERTSON.

(Circular.)

Department of Lands,
Sydney, 1861.

SIR,

I am directed to enclose, for your information and guidance, a copy of the Assisted Immigration Regulations recently published by the Government, from which you will perceive that, on and after the 1st July next, Depositors under these Regulations can have the parties whom they desire to bring out introduced in ships chartered by the Emigration Commissioners in London.

2. The forms to be used under the new Regulations, a supply of which will be forwarded to you by the Agent for Immigration, are as follows:—

(1st.) That marked A, which you will use in cases where the parties to be introduced are nominated in the Colony, and,—

(2nd.) That marked B, to be used where the parties are to be nominated in the United Kingdom.

3. It will be necessary for you to observe great care in the preparation of those forms, as on the information contained in the particular form used by you will entirely depend the correctness of the Passage Certificate forwarded to you by the Agent for Immigration, for delivery to the depositor.

4. All moneys received by you under the Regulations referred to are to be forwarded direct to the Agent for Immigration; and at the termination of each Quarter, it will be necessary for you to render an account of all such receipts to the Auditor General, for that officer's satisfaction.

5. On this subject I cannot too strongly impress on you the necessity of forwarding the moneys which you receive under the Regulations, by the first post which leaves after your receipt of them; care being taken by you in every case to register the letters containing such remittances. For any departure from this instruction you will be held responsible.

6. It is desirable that you should give the Regulations all the publicity in your power within your District; and in order to enable you to do so as effectually as possible, the Agent for Immigration will forward to you a supply of the Regulations, for distribution amongst its inhabitants.

7. In conclusion, I am to state, that as the Government are most anxious to make the Regulations as easily available by the working classes as possible, they are desirous of your zealous co-operation in carrying them out, and the Agent for Immigration will afford you every assistance in his power in facilitating the object desired.

8. I may add that a circular letter on the subject will be addressed to the Bench of Magistrates in your District, by the Principal Under Secretary.

The Clerk of Petty Sessions,
at

I have the honor to be,
Sir,
Your most obedient Servant,

(Circular.)

Department of Lands,
Sydney, 12 October, 1861.

SIR,

With reference to the circular letter of the 29th June last, enclosing a copy of the Assisted Immigration Regulations of the 21st of that month, with instructions respecting the same, I am directed to inform you, that so much of the circular as relates to Application Form B, to be used "where the parties are to be nominated in the United Kingdom," was introduced under a misconception, and is hereby cancelled.

2. The Regulations are intended to apply only to persons *nominated* in the Colony by the depositors, at the time of making the deposit.

The Clerk of Petty Sessions,
at

I have the honor to be,
Sir,
Your most obedient Servant,

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MR. HUTCHINSON HOTHERSALL BROWNE.
(PETITION OF.)

Received by the Legislative Assembly, 15 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of Hutchinson Hothersall Browne,—

MOST RESPECTFULLY SHEWETH :—

That your Petitioner entered the Civil Service of New South Wales, as Water Police Magistrate, in October, 1840, and continued to hold various appointments under the Government until the year 1861, when the office which your Petitioner then held, as Agent for Immigration, was abolished, by the vote of your Honorable House.

That your Petitioner being in ill health at the time his services were dispensed with, proceeded to Europe, in the full belief that provision would be made by the Government for his support, in accordance with the practice hitherto adopted.

That up to the present time your Petitioner has received no consideration for his past services, and is now suffering much inconvenience from the absence of that provision which your Petitioner had reason to believe would have been extended to him.

That your Petitioner therefore humbly prays that your Honorable House will take the premises into your gracious consideration, and grant to your Petitioner such relief as the nature of his case demands.

And your Petitioner, as in duty bound, will ever pray.

H. H. BROWNE.

*Binfield, Berkshire,
16th May, 1862.*

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MR. HUTCHINSON HOTHERSALL BROWNE.
(LATE IMMIGRATION AGENT.)

Ordered by the Legislative Assembly to be Printed, 23 October, 1862.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 24 June, 1862, That there be laid upon the Table of this House,—

“ Copies of all Correspondence between the Government
“ and Captain H. H. Browne, in reference to his removal
“ from the office of Immigration Agent.”

(Mr. Alexander.)

SCHEDULE.

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MR. HUTCHINSON HOTHERSALL BROWNE.

No. 1.

UNDER SECRETARY FOR LANDS to AGENT FOR IMMIGRATION.

*Department of Lands,
Sydney, 25 May, 1860.*

SIR,

I am directed by the Secretary for Lands to request that, with a view to the preparation of the general Estimates of the Government expenditure to be laid before Parliament in the ensuing Session, you will transmit to me, on or before 1st July next, an Estimate of the probable expenditure of your department, for the year 1861.

2. In transmitting this Estimate, you will submit, under the proper head, such remarks as you may consider necessary in explanation of it, and a statement of the reasons for recommending any alteration of pay or allowance. You will also report whether any reduction upon the expenditure of the present year can, in your opinion, be made in the number or emoluments of the persons in your department; or should you consider any increase to be absolutely required for the due and efficient performance of that portion of the public service which is immediately intrusted to you, you will state specifically the grounds upon which you consider such increase necessary.

I have, &c.,
MICHL. FITZPATRICK.

No. 2.

AGENT FOR IMMIGRATION to UNDER SECRETARY FOR LANDS.

*Government Immigration Office,
Sydney, 18 June, 1860.*

SIR,

In acknowledging the receipt of your circular letter of the 25th ultimo, I do myself the honor to inform you that, in consequence of the recent vote of the Assembly, whereby the emigration to the Colony at the public expense has been limited to the extent of the liabilities incurred by the Government under the Remittance Regulations, which liabilities will, in accordance with the terms of the proclamation, cease on the 30th instant, and as I understand from what fell from the Minister for Lands in the House, on the occasion of that vote being taken, that he only contemplated the maintenance of the department over which I preside sufficiently long to enable the matters so initiated to be finally closed, I feel that it will be unnecessary for me to submit any Estimate for this department for the year 1861, believing, as I do, that all the immigration at present authorized will have arrived, and that all matters will be closed by the termination of the present year.

2. Should the Government contemplate any resuscitation of immigration, I shall be glad, when furnished with their views on the subject, to submit an Estimate if necessary.

I have, &c.,
H. H. BROWNE,
Agent for Immigration.

No. 3.

UNDER SECRETARY FOR LANDS to AGENT FOR IMMIGRATION.

*Department of Lands,
Sydney, 23 July, 1860.*

SIR,

In reply to your letter of the 18th ultimo, intimating your belief that all matters in connection with your department would be closed by the end of the present year, but that if the Government contemplated any resuscitation of immigration you would submit an Estimate of your department for the year 1861, if considered necessary,—I am now directed to inform you, that the decision of the Assembly in this respect will be considered final in the matter, and that as no proposal for restoring the vote will be made to the Assembly, arrangements should be made for closing the department.

I have, &c.,
MICHL. FITZPATRICK.

No. 4.

No. 4.

AGENT FOR IMMIGRATION to UNDER SECRETARY FOR LANDS.

*Government Immigration Office,
Sydney, 26 September, 1860.*

SIR,

As it appears to me that the discontinuance of immigration at the Government expense will, at the termination of the present year, be so far effected as to warrant me in not recommending any salary for myself for the year 1861, I have the honor to request that you will be good enough to move the Honorable the Secretary for Lands to authorize the insertion in the Estimates for 1861 of such an amount, as a retiring allowance for me, as it is customary to grant to officers whose appointments under Government have been abolished.

2. In asking this consideration, I beg leave to point out that I have been in continual employment under the Government of this Colony for a period of twenty years, during which time I have never been absent from my duty; that I am in my 51st year, and from continual application to the onerous duties which have from time to time been imposed upon me, I feel that I am not in a fit state to undertake any new employment, with a prospect of being able to perform it to the satisfaction of the Government and the public.

I have, &c.,

H. H. BROWNE,
Agent for Immigration.

No. 5.

AGENT FOR IMMIGRATION to UNDER SECRETARY FOR LANDS.

*Government Immigration Office,
Sydney, 20 November, 1860.*

SIR,

Referring to your letter to me of the 23rd July last, No. 20, directing that arrangements be made for closing this department, I beg to point out, for the information of the Honorable the Secretary for Lands, that, as far as I am able to judge, there will be, after the arrival of the ship "British Trident," which was appointed to sail for Sydney in October last, about two more vessels for the conveyance of the remaining number of persons to whom passages were granted under the Remittance Regulations, previously to their cancellation in June last; and as it will be necessary to retain a small staff to dispose of the people, and disburse the ships on arrival, I would suggest that the Chief Clerk, the Accountant, the Matron, and Messenger, be retained for that purpose, for such time as it may be necessary to finally close the business of the department, provision being of course made for their salaries in the Estimates for 1861.

2. I would also suggest that the Health Officer be asked to undertake the management of the shipping and inspection duties afloat, as, from being a member of the Immigration Board, he is fully conversant with them.

3. Should this arrangement be adopted, myself, together with Mr. Frederick C. Logan, and Mr. Thomas J. Oliver, will remain to be provided for after the termination of the present year; and as I have already brought our several claims under the notice of the Government, in my letters to you of the 18th July and 26th September last, I feel it only necessary on this occasion to refer to those communications.

I have, &c.,

H. H. BROWNE,
Agent for Immigration.

* This letter refers to Messrs. F. C. Logan and T. J. Oliver.

No. 6.

UNDER SECRETARY FOR LANDS to AGENT FOR IMMIGRATION.

*Department of Lands,
Sydney, 27 November, 1860.*

SIR,

With reference to your letter of the 26th September last, in which you request, as the discontinuance of immigration at the Government expense has been decided on, and as you do not feel in a fit state of health to undertake any new employment, that provision may be made on the Estimates for such retiring allowance as is usually granted to officers whose appointments have been abolished, I am directed by the Secretary for Lands to state that, under the circumstances represented by you, you should send in the proper medical certificates as to the state of your health.

I have, &c.,

MICHL. FITZPATRICK.

No. 7.

UNDER SECRETARY FOR LANDS to AGENT FOR IMMIGRATION.

*Department of Lands,
Sydney, 30 November, 1860.*

SIR,

Adverting to your letter of the 20th instant, in which you state that after the arrival of the "British Trident," which was appointed to leave for Sydney in October last, there will be about two more vessels required for the conveyance of those persons to whom passages were granted under the Immigration Remittance Regulations previously to their cancellation in June last,—I am directed to inform you that, in accordance with your suggestion, the Secretary for Lands has approved of your retaining the services of the Chief Clerk, the Accountant, the Matron, and Messenger, for the purpose of disbursing these vessels on arrival, and disposing of the immigrants, provision being made for their salaries in 1861.

2. I am also to state that the Health Officer has been requested to undertake the management of the shipping and inspection duties afloat, as recommended by you.

I have, &c.,

MICHL. FITZPATRICK.

No. 8.

AGENT FOR IMMIGRATION to UNDER SECRETARY FOR LANDS.

*181, Macquarie-street,
Sydney, 4 December, 1860.*

SIR,

I do myself the honor to acknowledge the receipt of your letter of the 27th ultimo, No. 28, intimating the desire of the Honorable the Secretary for Lands that I should submit the proper medical certificate as to the state of my health, in support of my application for a retiring allowance.

2. In reply I beg to state, for the information of the Secretary for Lands, that although at present far from well, and under medical treatment, and having clear indications that a relaxation from work and a change of climate are requisite, I am not in a position to furnish such certificates as are contemplated in that letter.

3. In making this communication, I take leave to remark that, had my application for a retiring allowance been made in consequence of inability, on account of illness, to perform the duties of the office to which I had been appointed by Her Most Gracious Majesty, I should not have failed to have accompanied that application with the required medical certificates.

4. As in the present case, however, the Legislature, without any default on my part, have thought proper to abolish my office, I cannot see under what regulation or custom I can now be called upon for such documents.

5. Bearing in mind the many cases in which offices have been abolished and retiring allowances provided, or gratuities granted to the holders of them without the production of medical certificates, I cannot see that any difference can possibly exist in my case, and therefore beg to urge my claim, in accordance with the practice hitherto adopted.

I have, &c.,

H. H. BROWNE.

No. 9.

AGENT FOR IMMIGRATION to UNDER SECRETARY FOR LANDS.

*Government Immigration Office,
Sydney, 11 December, 1860.*

SIR,

With reference to your letter of the 30th ultimo, No. 29, conveying to me the approval of the Honorable the Secretary for Lands of the arrangements suggested in my letter of the 30th ultimo, for the inspection of the immigration ships and disposal of the immigrants under the Remittance Regulations expected to arrive after the end of the present year, I have the honor, with the view of carrying out those arrangements, to submit, for the approval of the Secretary for Lands, an estimate of the probable expenditure which will consequently be incurred for the first three months of the ensuing year, and to suggest that the several amounts specified therein be placed on the Estimates for 1861.

2. In submitting this Estimate, however, I would request to be informed whether I am to consider your communication under reply sufficient authority to dispense with the services of the two clerks, Messrs. F. Logan and Oliver, on the 1st January next, and to hand over the charge of the department to Mr. William R. Logan; or whether either my services or those of the two former gentlemen will be required after that date.

I have, &c.,

H. H. BROWNE,

Agent for Immigration.

No. 10.

No. 10.

UNDER SECRETARY FOR LANDS to AGENT FOR IMMIGRATION.

*Department of Lands,
Sydney, 21 February, 1861.*

SIR,

I am directed to inform you, that His Excellency the Administrator of the Government has submitted to the Executive Council the correspondence which has taken place between you and this office, relative to the contemplated abolition of your department, and the temporary arrangements proposed by you for winding up the business yet to be transacted in connection therewith.

2. In your communication of the 20th November last you represent that, in addition to the ship "British Trident," appointed to sail in October last (since arrived), there may be expected others still to arrive with immigrants, and suggest that the Health Officer be instructed, as a member of the Immigration Board, to perform the duties connected with the inspection of the same, and that for the other business the services of the Chief Clerk; Accountant, Matron, and Messenger be retained until no longer required.

3. The Council have accordingly, I have to apprise you, approved of the adoption of the temporary arrangements thus proposed by you, to take effect from the 1st of March next; the Act recently passed by the Legislature having provided for the maintenance of the department at its present strength up to that date, and for the reduced establishment from that to the 31st March. The Council have further advised that provision be made on the Additional Estimates for this year, for the continuation of the latter for such longer period as may be found necessary.

4. With regard to the two clerks (Messrs. F. Logan and Oliver) whose services will be no longer required in the department after the expiration of the present month, you have recommended for further employment,—the Council are aware that one of these gentlemen, Mr. Logan, has obtained employment in connection with the taking of the next Census, but I am to state that when this, which is of a temporary nature, ceases, the Council have advised that an appointment, equivalent to that recently held by him, and of a permanent nature, be given to him as opportunity offers; and that the same course be pursued in the cases of both Mr. Oliver and the other gentlemen of the department when their services are dispensed with.

5. With respect to the claim preferred in your letters of the 4th December and 26th September last for a retiring allowance, the Council perceive that although you have such a claim upon the ground of the abolition of your office, you at the same time intimate that your health is such as to render immediate change and relaxation absolutely necessary. Looking to the fact, of which the Council, I am to state, have received other assurance, and bearing in mind not only your long and valuable services extending over a period of twenty years, but also the fact that your removal from office is the result of a decision of the Legislature, and does not arise from any default on your part, the Council are prepared to accede to your request, so far as to invite the Legislature to grant you a retiring allowance.

6. I am to add that, in accordance with a computation made by the Auditor General, the amount of pension to which under existing regulations you would be entitled by your salary and length of service is £196 0s. 7d., for which sum, therefore, provision will be made on the Additional Estimates for the present year.

I have, &c.,
MICHL. FITZPATRICK.

No. 11.

UNDER SECRETARY FOR LANDS to H. H. BROWNE, ESQ.

*New South Wales,
Department of Lands,
Sydney, 20 May, 1861.*

SIR,

I am directed to inform you that the Legislative Assembly refused, on division in Committee of Supply, to vote the pension which the Executive Government had placed on the Estimates for the current year, in consequence of the reduction of your office.

2. The Legislature having, however, voted a sum of money on the Estimates for this year in support of Assisted Immigration, it becomes necessary for the local Government to restore the office of Immigration Agent, and I am now instructed to offer for your acceptance this situation, at your former rate of endowment, but subject of course to future votes of the Legislature.

3. In this state of circumstances, the Government will consent to regard you as absent on leave (but without pay) for twelve months from the date of your departure from the Colony, within which time it will be necessary for you to return to the Colony, if you desire to resume your office. But the Secretary for Lands will esteem it a favour if you will, by the first mail after the receipt of this letter, apprise him of your intention.

I have, &c.,
MICHL. FITZPATRICK.

No. 12.

UNDER SECRETARY FOR LANDS to H. H. BROWNE, ESQ.

*Department of Lands,
Sydney, 20 June, 1861.*

SIR,

Referring to the letter of the 20th ultimo, in which you were apprised that the Government had determined upon offering you, on certain conditions, the appointment of Immigration Agent, which office it has become necessary to restore in consequence of the Legislative Assembly having voted a sum of money for the renewal of Assisted Immigration to the Colony, I am now directed by the Secretary for Lands to inform you, that the Executive Council have formally sanctioned your being allowed twelve months leave of absence, without salary, from the date of your departure from the Colony, according to the stipulation contained in my letter, should you decide upon accepting the appointment alluded to.

I have, &c.,
MICHL. FITZPATRICK.

No. 13.

H. H. BROWNE, ESQ., to UNDER SECRETARY FOR LANDS.

*No. 1, Westbourne-street, London,
19 September, 1861.*

SIR,

I beg to acknowledge the receipt of your letter of the 20th of May, informing me that the Legislature had refused, in a Committee of Supply, to vote the amount which had been placed on the Supplementary Estimates by the Executive Council as a retiring allowance for me, in consequence of the abolition of the office I held as Agent for Immigration; and at the same time notifying that, in consequence of the determination arrived at to again commence immigration, it would be necessary to re-establish the office of Agent for Immigration, and offering for my acceptance that office, at the salary which I formerly received, dependent on a vote to that effect by the Assembly, and concluding with an intimation that, under the circumstances, a twelvemonth's leave of absence would be allowed me, *without pay*, but requesting to be informed of my decision in respect to the appointment by an early mail.

The course adopted by the Assembly in arriving at the conclusions they did in respect to my retiring allowance, and the reasons assigned by the opposition, as reported by the daily journals, for that decision, must, in the minds of all disinterested and thinking people be characterized as "cruel, ungenerous, and unjust";—"cruel," as ridiculing the state of my health and the painful complaint with which I was afflicted at the time of my departure from the Colony, the result of a long and faithful performance of the arduous duties which I had for a long period of years been called upon to perform; "ungenerous," in distinguishing my case from that of other civil officers of the Government similarly circumstanced; and "unjust," in refusing to recognize "that being an officer of the Colonial Government prior to the introduction of Responsible Government," I had any claim to compensation for abolition of office.

In respect to the offer of re-appointment to the office of Agent for Immigration, rendered necessary by the re-opening of the Remittance Regulations, which you have been pleased to make to me, and the wish expressed that I would communicate my intentions by this mail, I would beg to observe, that having proceeded to England at a great expense, and at the urgent recommendation of my medical adviser, with a view to the restoration of my health, I am hardly at present in a position to state whether, when the time arrives that I should be required to leave England, I should be warranted in undertaking a sedentary occupation in so relaxing a climate as New South Wales; and the ambiguity in which the offer is couched in respect to the emolument to be attached to the new appointment will, it appears to me, render it a hazardous step to again incur a heavy expense with an almost certain prospect of again soon breaking down, and with no more likely probability of obtaining compensation than than was the case on the abolition of my office.

On looking back to the cases of those officers of the Civil Government who have been granted retiring allowances since the introduction of Responsible Government, I beg to call your attention to that of Mr. Venour, the late Shipping Master, who was not only granted a retiring allowance, on abolition of office, but that allowance was lately supplemented (by the *same House which refused mine*) by the addition of a sum equivalent to three and a half years additional service, as recommended in the Despatch of the Secretary of State; and as I cannot suppose the Legislature would wish to draw a distinction between one officer and another, I trust that there may be some misconception in my case, and hope that the Executive Government will again submit my claim for the re-consideration of the Parliament, and thus render it unnecessary for me to undertake an expensive and probably a profitless voyage.

In conclusion, I beg to acknowledge the receipt of your letter of the 20th June, informing me that the Executive Council had formally sanctioned an allowance of twelve months leave of absence to me, from the date of leaving the Colony, and without pay.

I have, &c.,
H. H. BROWNE.

No. 14.

UNDER SECRETARY FOR LANDS to H. H. BROWNE, Esq.

*Department of Lands,
Sydney, 20 December, 1861.*

SIR,

In acknowledging the receipt of your letter of the 19th September last, relative to the refusal by the Legislative Assembly to grant your pension, I am directed by the Secretary for Lands to inform you that, after due consideration of the matter, the Government are of opinion that it would be useless to lay your claim again before the Assembly, in accordance with the desire expressed in your letter, and they can only, therefore, assure you of their regret at the decision arrived at thereupon.

2. I am at the same time to request that you will lose no time in communicating your determination as to returning to the position of Immigration Agent, in accordance with the offer conveyed in my letter to you of the 20th May last.

3. With regard to the ambiguity in which you state the offer is couched, I am desired by the Secretary for Lands to apprise you that the Government could not give you a more definite offer, as they cannot say what salary the Assembly will vote.

I have, &c.,

MICHL. FITZPATRICK.

No. 15.

H. H. BROWNE, Esq., to UNDER SECRETARY FOR LANDS.

*Binfield Court, Berkshire,
17 March, 1862.*

SIR,

I beg to acknowledge the receipt of your letter of the 20th of December, 1861, informing me that the Government regret the decision which has been arrived at by the Assembly in refusing to vote the pension authorized by them to be paid to me, in consequence of the abolition of the office which I held as Agent for Immigration, and intimating that it would be useless to again submit my claim for the consideration of the Assembly; also at the same time requesting that I would lose no time in communicating my determination as to returning to the post of Immigration Agent, on the conditions offered to me in your letter of the 20th of May last.

In reply, I have the honor to state that, looking at the conclusion arrived at by the Assembly, by which they have decided that no pension or retiring allowance is to be granted to the holder of the office of Immigration Agent, if the same is abolished by their vote, and as the rate of salary now determined to be attached to that office is £400 a year, instead of £650, I feel that by again accepting that appointment I shall not only sacrifice the social position which I previously held, but also all self-respect, in submitting to a position so humiliating as that to which the Immigration Agent is now reduced. I beg, therefore, with all respect, to decline the office.

In making this communication, I cannot but feel that, as an officer of the Government of upwards of twenty years standing, entrusted as I have been, by successive administrations, with duties of a highly important and responsible nature, exclusive of those for which I received a salary, I have now been subjected to treatment so harsh, uncharitable, illegal, and unjust, as to be quite without precedent in the annals of the Civil Service of New South Wales.

I have, &c.,

H. H. BROWNE.

No. 16.

DUKE OF NEWCASTLE to SIR JOHN YOUNG, BART.

*Downing-street,
10 May, 1862.*

SIR,

I have the honor to transmit to you the copy of a letter which I have received from Mr. H. H. Browne, who recently filled the appointment of Agent for Immigration in New South Wales, in which he complains of the proceedings of the local Legislature, in refusing to provide him with a retiring allowance on the abolition of his office.

As Mr. Browne has served the Colony, in various capacities, for a period of more than twenty years, to the satisfaction, as it would appear, of successive administrations, I cannot but regret that, in the abolition of his office, the Legislature should have declined to make such provision as is usually awarded to public officers under similar circumstances.

I should wish you, therefore, to lay a copy of Mr. Browne's letter before your responsible advisers, in the hope that some more favourable opportunity may present itself for bringing his claims once more before the notice of the Legislature.

I have, &c.,

NEWCASTLE.

No. 17.

H. H. BROWNE, Esq., to DUKE OF NEWCASTLE.

*Binfield Court, Berkshire,
9 April, 1862.*

MY LORD DUKE,

I have the honor to submit, for the information and consideration of Her Majesty's Government, a correspondence which has taken place between the Executive Government of New South Wales and myself, respecting the abolition of the office which I held there, by virtue of a warrant under Her Majesty's Royal Signet and Sign Manual, as Agent for Immigration.

This correspondence took place on the intimation made by the Government directing the Immigration Department to be closed, and the information subsequently communicated of the refusal of the Legislature to provide me with a pension or retiring allowance, in pursuance of the recommendation of the Governor and Executive Council.

A reference to the Blue Book will show that I entered the Civil Service of the Government of New South Wales, as Water Police Magistrate, in the year 1840, and continued to hold various appointments in that Colony until the office I then held as Agent for Immigration was abolished, by the refusal of the Legislature to vote any sum of money for the continuance of immigration.

Relying on the decision of the Governor and Executive Council, as communicated in their letter of the 21st of February, 1861, I proceeded to Europe, in the belief that the allowance, as calculated by the Auditor General, would be paid to me.

The Assembly having refused to confirm the decision of the Executive Government, and having also placed the office on a different footing, by the reduction of the Agent's salary to £400 a year, I am precluded from again accepting that office, and am left without provision in after life, after a service of upwards of twenty years.

In making this application to your Grace, I am quite aware that the control of the public funds are, by the Constitution Act, placed in the hands of the local Legislature, but I am also satisfied that Earl Russell, as Principal Secretary of State for the Colonies, when transmitting the new Constitution Act to the Governor General, distinctly pointed out that he trusted all proper faith would be maintained towards existing public officers; and the office which I held being at that time exclusively under the control of the Lords Commissioners of the Treasury, I feel full reliance in now submitting my case for the consideration of your Grace, in the confident hope that Her Majesty's Government will not fail to use their powerful aid to prevent so great an injustice being committed as that under which I now labour, and of which I feel that I justly complain.

I have, &c.,
H. H. BROWNE.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

RETIRING ALLOWANCE TO LATE IMMIGRATION
AGENT.

(DESPATCH RESPECTING.)

Ordered by the Legislative Assembly to be Printed, 9 September, 1862.

SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR JOHN YOUNG.
(No. 29.)

*Downing-street,
10 May, 1862.*

SIR,

I have the honor to transmit to you the copy of letter which I have received ^{9 April, 1862.} from Mr. H. H. Browne, who recently filled the appointment of Agent for Immigration in New South Wales, in which he complains of the proceedings of the local Legislature, in refusing to provide him with a retiring allowance on the abolition of his office.

As Mr. Browne has served the Colony in various capacities for a period of more than twenty years, to the satisfaction, as it would appear, of successive administrations, I cannot but regret that on the abolition of his office the Legislature should have declined to make such provision as is usually awarded to public officers under similar circumstances.

I should wish you, therefore, to lay a copy of Mr. Browne's letter before your responsible advisers, in the hope that some more favourable opportunity may present itself for bringing his claims once more before the notice of the Legislature.

I have, &c.,
NEWCASTLE.

[Enclosure in the foregoing.]

*Binfield Court,
Berkshire, 9 April, 1862.*

My Lord Duke,

I have the honor to submit, for the information and consideration of Her Majesty's Government, a correspondence which has taken place between the Executive Government of New South Wales and myself, respecting the abolition of the office which I held there, by virtue of a warrant under Her Majesty's Royal signet and sign manual, as Agent for Immigration.

This correspondence took place on the intimation made by the Government directing the Immigration Department to be closed, and the information subsequently communicated of the refusal of the Legislature to provide me with a pension or retiring allowance in pursuance of the recommendation of the Governor and Executive Council.

A reference to the Blue Book will show that I entered the Civil Service of the Government of New South Wales as Water Police Magistrate, in the year 1840, and continued to hold various appointments in that Colony until the office I then held as Agent for Immigration was abolished, by the refusal of the Legislature to vote any sum of money for the continuance of Immigration.

Relying on the decision of the Governor and Executive Council, as communicated in their letter of the 21st of February, 1861, I proceeded to Europe, in the full belief that the allowance, as calculated by the Auditor General, would be paid to me.

Commission dated 21 October, 1840. Appointed Agent for Immigration, 3 June, 1851. Royal Commission dated 24 June, 1852.

The Assembly having refused to confirm the decision of the Executive Government, and having also placed the office on a different footing, by the reduction of the Agent's salary to £400 a year, I am precluded from again accepting that office, and am left without provision in after life, after a service of upwards of twenty years.

In making this application to your Grace, I am quite aware that the control of the public funds are by the Constitution Act placed in the hands of the local Legislature, but I am also satisfied that Earl Russell, as Principal Secretary of State for the Colonies, when transmitting the New Constitution Act to the Governor General, distinctly pointed out that he trusted all proper faith would be maintained towards existing public officers, and the office which I held being at that time exclusively under the control of the Lords Commissioners of the Treasury, I feel full reliance in now submitting my case for the consideration of your Grace, in the confident hope that Her Majesty's Government will not fail to use their powerful aid to prevent so great an injustice being committed as that under which I now labour, and of which I feel that I justly complain.

I have, &c.,

H. H. BROWNE.

His Grace the Duke of Newcastle,
&c., &c., &c.

[Sub-Enclosures.]

Department of Lands,
Sydney, 23 July, 1860.

Sir,

In reply to your letter of the 18th ultimo, intimating your belief that all matters connected with your department will be closed by the end of the present year, but that if the Government contemplated any resuscitation of immigration, you would submit an estimate for your department for the year 1861, if considered necessary, I am now directed to inform you that the *decision of the Assembly in this respect will be considered final* in the matter; and that as no proposal for restoring the vote will be made to the Assembly, *arrangements should be made for closing the department.*

I have, &c.,

MICHAEL FITZPATRICK.

The Agent for Immigration.

Government Immigration Office,
Sydney, 20 November, 1860.

Sir,

Referring to your letter to me of the 23rd July last, No. 20, directing that arrangements be made for closing this department, I beg to point out, for the information of the Honorable the Secretary for Lands, that as far as I am able to judge, there will be, after the arrival of the ship "British Trident," which was appointed to sail for Sydney in October last, about two more vessels for the conveyance of the remaining number of persons to whom passages were granted under the Remittance Regulations, previously to their cancellation in June last; and as it will be necessary to retain a small staff to dispose of the people, and to disburse the ships on arrival, I would suggest that the Chief Clerk, the Accountant, the Matron, and Messenger, be retained for that purpose, for such time as it may seem necessary to finally close the business of the department, provision of course being made for their salaries in the Estimates for 1861.

2. I would also suggest that the Health Officer be asked to undertake the management of the shipping and inspection duties afloat, as, from being a member of the Immigration Board, he is fully conversant with them.

3. Should this arrangement be adopted, myself, together with Mr. Frederick Logan and Mr. Thomas Oliver, will remain to be provided for after the termination of the present year; and as I have already brought our several claims under the notice of the Government, in my letters to you of the 18th July and the 25th September last, I feel it only necessary on this occasion to refer to those communications.

I have, &c.,

H. H. BROWNE,
Agent for Immigration.

The Under Secretary for Lands.

Government Immigration Office,
Sydney, 26 September, 1860.

Sir,

As it appears to me that the discontinuance of immigration at the Government expense will at the termination of the present year be so far effected, as to warrant me in not recommending any salary for myself for the year 1861, I have the honor to request that you will be good enough to move the Secretary for Lands to authorize the insertion in the Estimates for 1861, of such an amount, as a retiring allowance for me, as it is customary to grant to officers whose appointments under Government have been abolished.

2. In asking this consideration, I beg to point out that I have been in continual employment under the Government of this Colony for a period of twenty years, during which time I have never been absent from duty; that I am in my fifty-first year, and, from continual application to the onerous duties which from time to time have been imposed upon me, I feel that I am not in a fit state to undertake any new employment, with a prospect of being able to perform it to the satisfaction of the Government and the public.

I have, &c.,
H. H. BROWNE,
Agent for Immigration.

The Under Secretary for Lands.

*Department of Lands,
Sydney, 27 November, 1860.*

Sir,

With reference to your letter of the 26th September last, in which you request, as the discontinuance of immigration at the Government expense has been decided on, and as you do not feel in a fit state of health to undertake any new employment, that provision may be made on the Estimates for such retiring allowance as is usually granted to officers whose appointments have been abolished, I am directed by the Secretary for Lands to state, that under the circumstances represented by you, you should send in the proper medical certificates as to the state of your health.

I have, &c.,
MICHAEL FITZPATRICK.

The Agent for Immigration.

*181, Macquarie-street,
Sydney, 4 December, 1860.*

Sir,

I do myself the honor to acknowledge the receipt of your letter of the 27th ultimo, No. 28, intimating the desire of the Honorable the Secretary for Lands that I should submit the proper medical certificates as to the state of my health, in support of my application for a retiring allowance.

2. In reply, I beg to state, for the information of the Secretary for Lands, that although at present far from well, and under medical treatment, and having clear indication that a relaxation from work and a change of climate are requisite, I am not in a position to furnish such certificates as are contemplated in that letter.

3. In making this communication, I take leave to remark, that had my application for a retiring allowance been made in consequence of inability on account of illness to perform the duties of the office to which I had been appointed by Her Most Gracious Majesty, I should not have failed to have accompanied that application with the requisite medical certificates.

4. As in the present case, however, the Legislature, without any default on my part, have thought proper to abolish my office, I cannot see under what regulation or custom I can now be called upon for such documents.

5. Bearing in mind the many cases in which offices have been abolished, and retiring allowances provided or gratuities granted to the holders of them, without the production of medical certificates, I cannot see that any difference can possibly exist in my case, and therefore beg to urge my claim in accordance with the practice hitherto adopted.

I have, &c.,
H. H. BROWNE.

The Under Secretary for Lands.

*Department of Lands,
Sydney, 21 February, 1861.*

Sir,

I am directed to inform you, that His Excellency the Administrator of the Government has submitted to the Executive Council the correspondence which has taken place between you and this office, relative to the contemplated abolition of your department, and the temporary arrangements proposed by you for winding up the business yet to be transacted in connection therewith.

2. In your communication of the 20th of November last, you represent that in addition to the ship "British Trident," appointed to sail in October last (since arrived), there may be expected others still to arrive with immigrants, and suggest that the Health Officer be instructed, as a member of the Immigration Board, to perform the duties connected with the inspection of the same, and that for the other business the services of the Chief Clerk, Accountant, Matron, and Messenger, be retained until no longer required.

3. The Council have accordingly, I am to apprise you, approved of the adoption of the temporary arrangements thus proposed by you, to take effect from the 1st of March next, the Act recently passed by the Legislature having provided for the maintenance of the department at its present strength up to that date, and for the reduced establishment from that to the 31st of March. The Council have further advised that provision be made on the additional Estimates for this year for the continuation of the latter for such longer period as may be found necessary.

4 RETIRING ALLOWANCE TO LATE IMMIGRATION AGENT.

4. With regard to the two clerks (Messrs. F. Logan and Oliver) whose services will be no longer required in the department after the expiration of the present month, and whom you have recommended for further employment, the Council are aware that one of those gentlemen, Mr. Logan, has obtained employment in connection with the taking of the Census, but I am to state, that when this, which is of a temporary nature, ceases, the Council have advised that an appointment equivalent to that recently held by him, and of a permanent nature, be given him as opportunity offers, and that the same course be pursued in the cases of both Mr. Oliver and the other gentlemen of the department, when their services are dispensed with.

5. With respect to the claim preferred in your letters of the 4th December and the 26th September last, for a retiring allowance, the Council perceive, that although you have such claim upon the ground of the abolition of your department, you at the same time intimate your health is such as to render immediate change and relaxation from duty absolutely necessary. Looking, then, to this fact, of which the Council, I am to say, have received other assurance, and bearing in mind not only your long and valuable services extending over a period of twenty years, but also the fact that your removal from office is the result of a decision of the Legislature, and does not arise from any default on your part, the Council are prepared to accede to your request, so far as to invite the Legislature to grant you a retiring allowance.

6. I am to add, that in accordance with a computation made by the Auditor General, the amount of pension to which under existing Regulations you would be entitled by your salary and length of service, is one hundred and ninety six pounds and seven pence, for which sum, therefore, provision will be made in the additional Estimates for the present year.

I have, &c.,
MICHAEL FITZPATRICK.

The Agent for Immigration.

*New South Wales,
Department of Lands,
Sydney, 20* , 1861.

Sir,

I am directed to inform you that the Legislative Assembly refused, in a division in Committee of Supply, to vote the pension which the Executive Government had placed on the Estimates for the current year, in consequence of the reduction of your office.

2. The Legislature, however, having voted a sum of money on the Estimates for this year in support of Assisted Immigration, it becomes necessary for the local Government to restore the office of Immigration Agent, and I am now instructed to offer for your acceptance this situation, at your former rate of emolument, but subject, of course, to future votes of the Legislature.

3. In this state of circumstances the Government will consent to regard you as being absent on leave (but without pay), for (12) twelve months from the date of your departure from the Colony, within which time it will be necessary for you to return to the Colony, if you desire to resume your office. But the Secretary for Lands will esteem it a favour, if you will, by the first mail after the receipt of this letter, apprise him of your intention.

I have, &c.,
MICHAEL FITZPATRICK.

H. H. Browne, Esq.

*New South Wales,
Department of Lands,
Sydney, 20 June, 1861.*

Sir,

Referring to my letter of the 20th ultimo, in which you were apprised that the Government had determined upon offering you, on certain conditions, the appointment of Immigration Agent, which office it has become necessary to restore, in consequence of the Legislative Assembly having voted a sum of money for the renewal of Assisted Immigration to the Colony, I am now directed by the Secretary for Lands to inform you, that the Executive Council have formally sanctioned your being allowed twelve months leave of absence, but without pay, from the date of your departure from the Colony (according to the stipulation contained in my letter), should you decide on accepting the appointment alluded to.

I have, &c.,
MICHAEL FITZPATRICK.

H. H. Browne, Esq.

*No. 1, Westbourne-street, London,
19 September, 1861.*

Sir,

I beg to acknowledge the receipt of your letter of the 20th of May, informing me that the Legislature had refused, in a Committee of Supply, to vote the amount which had been placed on the Supplementary Estimates by the Executive Government, as a retiring allowance for me, in consequence of the abolition of the office I held as Agent for Immigration; and at the same time notifying that, in consequence of the determination arrived at to again commence Immigration, it would be necessary to re-establish the office of Agent

Agent for Immigration, and offering for my acceptance that office, at the salary I formerly received, dependent on a vote to that effect by the Assembly, and concluding with an intimation that, under the circumstances, a twelve months' leave would be allowed me, without pay, but requesting to be informed of my decision in respect to the appointment, by an early mail.

The course adopted by the Assembly, in arriving at the conclusions they did in respect to my retiring allowance, and the reasons assigned by the opposition, as reported by the daily journals, for that decision, must in the minds of all disinterested and thinking people be characterized as *cruel*, *ungenerous*, and *unjust*. "Cruel" as ridiculing the state of my health and the painful complaint with which I was afflicted at the time of my departure from the Colony, the result of a long and faithful performance of the arduous duties which I had for a long period of years been called upon to perform; "*ungenerous*," in distinguishing my case from that of other civil officers of the Government similarly circumstanced; and "*unjust*," in refusing to recognize that, being an officer of the Colonial Government prior to the introduction of responsible Government, I had any claim to compensation for abolition of office.

In respect to the offer of re-appointment to the office of Agent for Immigration, rendered necessary by the re-opening of the Remittance Regulations, which you have been pleased to make to me, and the wish expressed that I would communicate my intentions by this mail, I would beg to observe, that having proceeded to England at a great expense, and at the urgent recommendation of my medical advisers, with a view to the restoration of my health, I am hardly in a position to state whether, when the time comes that I should be required to leave England, I should be warranted in undertaking a sedentary occupation in so relaxing a climate as New South Wales; and the ambiguity in which this offer is couched, in respect to the emolument to be attached to the new appointment, will, it appears to me, render it a hazardous step to again incur a heavy expense, with an almost certain prospect of again soon breaking down, and with no more likely probability of obtaining compensation then, than was the case on the abolition of my office.

On looking back to the cases of those officers of the Civil Service who have been granted retiring allowances since the introduction of Responsible Government, I beg to call your attention to that of Mr. Venour, the late Shipping Master, who was not only granted a retiring allowance on abolition of his office, but that allowance was lately supplemented by the *same House* which refused mine, by the addition of a sum equivalent to three and a half years additional service, as recommended in the despatch of the Secretary of State; and as I cannot suppose that the Legislature would wish to draw any distinction between one officer and another, I trust that there may be some misconception in my case, and hope that the Executive Government will again submit my claim for the reconsideration of the Parliament, and thus render it unnecessary for me to undertake an expensive and probably profitless voyage.

In conclusion, I beg to acknowledge the receipt of your letter of the 20th of June, informing me that the Executive Council had formally sanctioned an allowance of twelve months leave of absence to me from the date of leaving the Colony, and *without pay*.

I have, &c.,

H. H. BROWNE.

The Under Secretary for Lands.

*New South Wales,
Department of Lands,
Sydney, 20 December, 1861.*

Sir,

In acknowledging the receipt of your letter of the 19th September last, relative to the refusal of the Legislative Assembly to grant your pension, I am directed by the Secretary for Lands to inform you, that after due consideration of the matter, the Government are of opinion that it would be useless to lay your claim again before the Assembly, in accordance with the desire expressed in your letter, and they can only, therefore, assure you of their regret at the decision arrived at thereupon.

2. I am, at the same time, to request that you will lose no time in communicating your determination as to returning to the position of Immigration Agent, in accordance with the offer conveyed to you in my letter of the 20th May last.

3. With regard to the ambiguity in which you state that offer is couched, I am directed by the Secretary to apprise you that the Government could not give you a more definite offer, as they cannot say what salary the Assembly will vote.

I have, &c.,

MICHAEL FITZPATRICK.

H. H. Browne, Esq.

*Binfield Court, Binfield,
Berkshire, 17 March, 1862.*

Sir,

I beg to acknowledge the receipt of your letter of the 20th of December, 1861, informing me that the Government regrets the decision which has been arrived at by the Assembly, in refusing to vote the pension authorized by them to be paid to me, in consequence of the abolition of the office which I held as Agent for Immigration, and intimating that it would be useless to again submit my claim for the consideration of the Assembly;

also, at the same time, requesting that I would lose no time in communicating my determination as to returning to the post of Immigration Agent, on the conditions offered to me in your letter of the 20th of May last.

In reply, I have the honor to state, that looking at the conclusion arrived at by the Assembly, by which they have decided that no pension or retiring allowance is to be granted to the holder of the office of Immigration Agent if the same is abolished by their vote, and as the rate of salary now determined to be attached to that office is £400 a year instead of £650, I feel that by again accepting that appointment, I shall not only sacrifice the social position which I previously held, but also all self-respect, in submitting to a position so humiliating as that to which the Immigration Agent is now reduced. I beg, therefore, with all respect, to decline the offer.

In making this communication, I cannot but feel, that as an officer of the Government of upwards of twenty years standing, entrusted as I have been by successive administrations with duties of an important and highly responsible nature, exclusive of those for which I received a salary, and my conduct having met with the universal approval of the authorities during that period, I have now been subject to treatment so harsh, uncharitable, unjust, and illegal, as is quite without a precedent in the annals of the Civil Service of New South Wales.

I have, &c.,
H. H. BROWNE.

The Under Secretary for Lands.

EXTRACT, "Sydney Morning Herald," Wednesday, January 8, 1862.

"In Committee of Supply in the Legislative Assembly, on the item of £3,524 being moved for the expenses of the Immigration Office, Mr. Piddington moved the omission of a sum of £650 for the salary of the Agent. Considerable discussion took place, and Mr. Piddington's motion was negatived by 20 to 15. Mr. Leary then moved that the same salary be reduced to £400. The motion was carried by 31 to 14."

1862.

NEW SOUTH WALES.

NATIONAL EDUCATION.

(REPORT, 1861.)

Presented to both Houses of Parliament, by Command.

FOURTEENTH REPORT OF THE COMMISSIONERS OF NATIONAL EDUCATION IN NEW SOUTH WALES.

REPORT for the Year 1861.

To His Excellency the Right Honorable SIR JOHN YOUNG, Bart., Governor-in-Chief of New South Wales, &c., &c.

MAY IT PLEASE YOUR EXCELLENCY:—

We, the Commissioners of National Education in New South Wales, beg to submit to your Excellency this our Fourteenth Report.

I.—SCHOOLS.

Of the 144 schools reported as being in operation in 1860, 7 were closed in 1861 from insufficient attendance of pupils, dispersion of the population, or waiting completion of new buildings.

By a return hereunto appended, it will be seen that during the year 1861 we had Appendix A. 178 schools in operation, attended in the aggregate by 11,400 children, shewing an increase over the previous year, of 41 schools and 2,144 children. The schools opened in 1861 were as follows:—

- | | |
|-------------------|--------------------|
| Armidale. | Monkerai. |
| Arncliffe. | Minmi. |
| Barraba. | Mangrove. |
| Bangalore. | Mount Gilcad. |
| Ballina. | Murrumburra. |
| Boolong. | Mount Keira. |
| Colyton. | Pitt-street South. |
| Casino. | Rocky River. |
| Coorombong. | Summerhill. |
| Coolongatta. | Saint Mary's. |
| Fish River Creek. | Stockton. |
| Five Dook. | Tarree. |
| Frederickton. | Ulmarra. |
| Gledswood. | Ulladulla. |
| Ghini Ghini. | Warialda. |
| Hovell's Creek. | Wellington. |
| Howlong. | Wagga Wagga. |
| Kiama. | Wallalong. |
| Lochinvar. | White Rock. |
| Lismore. | Young. |
| Little Hartley. | |

Ten schools (vested) were erected during the year, or were in progress of erection at its close, viz. :—

Avondale.	Glebè.
Albury (new).	Gledswood.
Bandon Grove.	Luddenham.
Casino.	Myrtleville.
Deniliquin.	Ophir Road.

And 19 vested school buildings received important additions and improvements, viz. :—

Aberglasslyn.	Major's Creek.
Bolwarra.	Redbank.
Balmain (furniture).	Purfleet.
Camden.	Walcha.
Clarence Town.	Wallalong.
Dunmore.	Maitland (furniture).
Eling Forest.	William-street.
Fishery Creek.	Fort-street.
Louisa Creek.	Paddington.

Appendix B.

Appended hereto is a return shewing that thirty-eight new schools were sought to be established under the Board during 1861, and what action was taken by the Board in each case.

2.—GRANTS IN AID OF SCHOOL BUILDINGS.

The aggregate amount paid for the erection of school buildings, and for repairs, rent, and furniture, for 1861, was £4,285 4s. 2d. At the close of the year we had pledged £5,498 7s. 3d. for similar purposes, contingent on the vote for 1862. It must be understood that the amount mentioned above as paid for school buildings, &c., does not include the sums contributed through the agency of local patrons, in accordance with our published regulations, but refers only to the expenditure of the public money.

3.—SALARIES.

The salaries and allowances paid to teachers, officers, and servants of the Corporation, for the year, amounted altogether to £21,346. Of the sum thus expended, £17,560 12s. 5d. was paid to teachers, and £3,785 7s. 8d. to the other officers, namely :— Secretary, Chief Inspector, District Inspectors (4), Training Master, Accountant, Clerks (2), Architect, and Messengers (2). The gross amount of fees paid by the children during 1861 was £9,131 16s. 11d., showing an increase of £1,293 on the fees paid for 1860.

4.—CLASSIFICATION OF TEACHERS.

The same arrangements have been observed for the examination and classification of teachers during 1861 as were in operation the year previously. The death of Mr. Pittard, and the departure of Mr. Hose from the Colony, have created two vacancies in the Board of Examiners, which we have not as yet been able to fill up.

5.—TRAINING DEPARTMENT.

At the commencement of the year measures were taken to extend and complete the arrangements for the training of candidates, by appointing an officer charged with that special duty, to which his whole time and attention were to be devoted. The Training Master was required to give suitable instruction during four hours per diem to every candidate, in the branches usually taught in National Schools, and in the mode of keeping the school records and of furnishing returns. He was further directed to employ such methods of teaching as would correspond with those which the candidates themselves would be required to practise, so that his lessons might be calculated to instruct them in the subjects they were studying, and also in good methods of imparting knowledge.

The result of these measures was such as to confirm the opinion as to their necessity. Notwithstanding great difficulties, arising from the low attainments and meagre qualifications of many who presented themselves for admission to the Training Department, very fair success was achieved in forming a body of teachers for National Schools. Sixty-five candidates underwent the course of training, remaining under instruction on an average about six weeks.

weeks. Of these, twelve retired before completing the course; three failed to pass the final examination; two were admitted into the Board's service as probationers; and forty-eight succeeded in obtaining certificates of competency of various grades, viz. :—

First class certificate...	1
Second class ditto ...	9
Third class ditto ...	38
	—
	48
	—

The importance of the question as to the training of teachers, in its bearing upon the future educational arrangements of the Colony, and the success which has already attended our efforts in this direction, seem to justify a further extension of the operations of this department, especially by lengthening the period during which candidates should be under instruction; but inasmuch as the expenditure would necessarily be increased in a proportionate degree, we are unable to carry out our plans fully without some augmentation of the funds placed at our disposal by the liberality of Parliament.

6.—INSPECTION OF SCHOOLS.

The extended operations of the Board, during the year 1861, in establishing and maintaining fresh National Schools throughout the Colony, rendered it imperative to seek the services of a fifth Inspector. We succeeded in securing the services of Mr. C. F. Patterson, late of Trinity College, Dublin, a gentleman of extensive experience, obtained in the Model School, Glasnevin, and other important scholastic establishments. At the commencement of the present year it was found necessary to appoint a sixth Inspector, and the Colony is now divided into six Inspectoral Districts.

I. The City and Suburban schools, under the special charge of the Chief Inspector, Mr. Wilkins, to whom also is delegated the superintendence and direction of the District Inspectors.

II. Hunter District, under Mr. Gardiner.

III. The schools in the Southern District of the Colony, under the charge of Mr. McCann. The failing health of Mr. Forbes, who formerly had charge of this district, rendered it necessary for him to give up his duties as Inspector, and resume the management of a school.

IV. The schools in the Northern District, under the charge of Mr. McIntyre.

V. The schools in the Central District, including the South Coast as far as Twofold Bay, under the charge of Mr. Patterson.

VI. The schools in the Western District, under the charge of Mr. Dwyer, a gentleman who was despatched to this Colony by the Commissioners of National Education in Ireland, in the year 1854, and has since then successfully conducted a school in our service.

Appended hereto are the Rules and Regulations which have been promulgated for the information and guidance of the several Inspectors.

The following Report from the Chief and District Inspectors embodies their views as to the general condition of National Schools throughout the Colony, for the year 1861.

GENERAL REPORT upon the condition of National Schools in 1861.

I.—ARRANGEMENTS FOR INSPECTION.

The Colony having been divided into five districts, and an Inspector appointed to each, the plan of operations for the inspection of National Schools during 1861 was greatly simplified. It was intended that all the schools should be visited once at least, and many of them two or three times in the course of the year. Some changes made in the inspectoral staff prevented these arrangements from being carried out in their integrity.

II.—AMOUNT OF INSPECTION.

It will be seen from the annexed table, that the proposed arrangements were carried out with considerable success, the number of schools visited being greater than in any previous year.

DISTRICTS.	No. of Schools.		
	Visited.	Not Visited.	TOTAL.
Metropolitan	41	10	51
Northern	41	....	41
Western	33	4	37
Southern	26	4	30
Sub-Northern	24	3	27
TOTAL	165	21	186

NOTE.—As usual in former Reports, when any school consisted of a number of separate departments under responsible teachers, each department was regarded, for purposes of inspection, as a separate school.

The number of visits paid to schools in operation was 393; to proposed schools, 54; and to places where schools were required, 67; making a total of 414 visits. Of the schools in operation—

68 received one visit.
 81 „ two visits.
 16 „ three visits.
 5 „ four visits.

When it is remembered that the first six months of 1861 were almost continuously wet, and that travelling was, in consequence, often impracticable or useless, the amount of duty performed in the actual work of inspection will not, we believe, be deemed unsatisfactory. The vast area of country to be travelled, and the great distances between the schools, render inspection a much slower process than would at first sight be supposed. The distance from the mouth of the Richmond River to the junction of the Darling and Murray cannot be less than 800 miles, and at both these places schools have been established, and both were visited this year.

The Annual Examination of Teachers also occupied a large proportion of the Inspector's time, and will form the theme of remark hereafter.

III.—CHARACTER OF THE INSPECTION.

Although some slight modifications were introduced in the detail of this duty, the same minuteness was observed in the process of inspection as in previous years. While the general character of the inspection was not therefore less rigorous, the examination of the pupils was conducted with increased severity, their proficiency in every branch of school learning having been thoroughly tested. As before, the Annual or principal examination was intended to ascertain the progress of the pupils in learning, in discipline, and in intellectual advancement—its chief purpose was to observe and weigh results. At this time, therefore, the Inspector would inquire into the working of every department of the school, by personal examination of every pupil in all the branches taught, and by observation and scrutiny of all the other matters bearing upon the success of the instruction. While the Inspector at such an examination may become aware of some latent, unsuspected defect in the management of the school—some apparent oversight in discipline or misapplication of method, for example—he may be unable at the time to point out the true cause, but can only refer to his previous experience to suggest a possible reason. As he cannot under these

circumstances

circumstances satisfactorily exhibit to the teacher the defect in question and assist him in the choice of a remedy, it is requisite that the Inspector should have other opportunities of visiting the school, when, instead of noting and recording results, he can observe and criticise the means by which they are produced. The required opportunity is afforded by the secondary inspection, when the Inspector simply observes the working of the school and the proceedings of the teacher. All the arrangements of the school, its organization, discipline, and instruction, together with the personal qualifications of the teacher, then pass under his notice, and he is able at once to detect errors and defects, and to trace them to their real sources. He is then in a position to give such advice or assistance as the teacher may need, or—what is of more frequent occurrence—to convince him that the deficiencies noted actually exist. With reference to this last point, it may be mentioned that it not seldom happens that a school is held in high estimation by the public and its local promoters, but is found by the Inspector to be in a very inefficient state. In this case the teacher himself is generally deceived, as he is unable to discover the weak points of his management, and it is under such circumstances that the value of inspection is most powerfully felt.

IV.—CONDITION OF SCHOOLS INSPECTED.

The usual detailed statement shewing the condition in which the various schools were Annex 2. found at the date of inspection is appended hereto. It is perhaps desirable to repeat here the caution as to the mode in which these statements should be interpreted, in order that their true bearing may be fully understood. In every case the highest possible standard was kept in view in describing the condition of a school, the actual state was compared with it, and the school was judged in accordance with its approach to or divergence from the perfect model. It ought also to be explained that, in some instances where schools had been revisited at later dates than those given in the detailed statement, great improvement was manifested. This fact does not appear, however, because whenever possible the detailed statement was compiled from the Inspector's Report upon the Annual Examination of the school, on which occasion the statistics were collected.

I.—MATERIAL STATE OF SCHOOLS.

The situations of the schools inspected may be thus described :—

School sites.

Good or fair	...	...	...	...	...	123
Tolerable or moderate	...	...	...	...	...	26
Indifferent or bad	...	...	...	...	...	16
						—
						165
						=

The sites of the schools, in the majority of cases, have been well selected. Sometimes, where the population lies about a creek or river, there is considerable difficulty in determining on which side the site ought to be; and when one side is necessarily chosen, the inhabitants of the other are frequently prevented by floods from sending their children to school. The difficulty, now often experienced, of obtaining suitable school sites in districts already peopled, seems to call for remark and suggestion, as to making adequate provision on this head in all localities newly thrown open for settlement. Considering the many drawbacks to regular and punctual attendance at school, and bearing in mind the number of hours during which the pupils are confined to the schoolroom, it is simply consistent with common sense and feeling that due regard should be paid to the health and convenience of the scholars, by appropriating as a school site the most suitable piece of land available for that purpose. In the case of newly-formed towns and agricultural settlements, all the required conditions could be most easily met by reserving a sufficient area of land for school purposes. We believe it is not too much to ask that the children of the Colony should be instructed in a suitable building, situated on the best, pleasantest, and most desirable spot that can be obtained in the neighbourhood. Considering, too, that it is easy now to provide for future exigencies, while it may be all but impossible hereafter, there appears to be no extravagance in suggesting that at least *four acres* should be reserved for this purpose.

The

School buildings.

The improvements gradually effected by the working of the National System are especially manifest in the superior class of school buildings introduced of late years. The annexed table shows the condition in this particular of the schools inspected.

Good or fair	110
Tolerable	37
Indifferent or bad	18
	<hr/>
	165
	<hr/>

It is worthy of remark that the difference between vested and non-vested schools continues to be very apparent in this respect, the former being much superior in appearance and accommodation. Non-vested schools are for the most part held in buildings not originally intended for school purposes, and therefore not convenient for school organization; while the fact that they are not public property frequently deters the promoters of these schools from expending upon them a sufficient sum to adapt them to scholastic uses, or even to keep them in repair. The residence of the teacher is often not sufficiently cared for; and although it may be pleaded in excuse that much difficulty is generally experienced in raising the funds necessary even for the buildings actually erected, yet we are persuaded that it is very false economy to provide for a teacher only bad or insufficient accommodation.

Playgrounds.

The playground accommodation may be thus exhibited:—

Good or fair	110
Tolerable or moderate	26
Indifferent or bad	29
	<hr/>
	165
	<hr/>

The importance of supplying every school with a playground and its adjuncts can hardly be over estimated, whether considered in relation to the present discipline of the pupils or their future conduct. The playground is perhaps more intimately connected with the foundation of habits, correct or otherwise, than even the schoolroom, and when properly used by a teacher, is one of his most powerful auxiliaries. Few teachers, however, have yet given evidence that they fully realize the importance or the varied uses of the playground, or that they possess the skill to turn to a profitable account the numerous advantages it presents. We consider it to be an important part of the teacher's duty that he should associate with his whole school in the playground; and to join in the proceedings of his pupils. It is by this means mainly that he can become thoroughly acquainted with their dispositions—a most invaluable knowledge to him in the government of his school.

Furniture.

While some improvement has been effected in the furnishing of National Schools, much remains to be accomplished before this branch of their equipment can be considered perfect. The number of schools inspected, with their various degrees of excellence in this respect, are given below:—

Good or fair	99
Tolerable or moderate	46
Indifferent or bad	20
	<hr/>
	165
	<hr/>

The deficiencies and unsuitableness of school furniture and apparatus may be traced to ignorance of what is requisite and appropriate; local difficulty, pecuniary or otherwise, in procuring them; or the absence of a stock from which to select, when the two former hindrances have been removed. The first of these will be met, to some extent, by the Board's publication of diagrams showing the form and dimensions of various articles of school furniture and apparatus. The second can be removed only by the extension of enlightened views among the people who are interested in primary schools; but the third obstacle could easily be met by any bookseller sufficiently enterprising to establish a mart for the sale of such articles. The Irish National Board, seeing the difficulties under which managers and teachers laboured in procuring proper apparatus, instituted a few years ago a special department at the central office, for the sale of it at reduced prices. Diagrams, maps, sectional
and

and working models of machinery, apparatus for illustrating experimental science, cabinets of useful things, minerals, &c., materials for needlework, harmoniums, &c., &c., are to be found in the catalogues supplied to the schools. It would be a great boon to our teachers if they had a similar means open to them for providing good apparatus.

The following is the number of schools in which the apparatus is—

Apparatus.

Good or fair	90
Tolerable or moderate	57
Indifferent or bad	18
<hr/>	
TOTAL	165
<hr/>	

Since the introduction of the modified rule respecting the means of providing reading books for the pupils, great improvement has taken place in the character of the supply. The existing rule is that one-tenth of the gross amount paid as school fees shall be reserved and appropriated, under the direction of the local patrons, to the purchase of books and other school requisites. A first stock is granted by the Board when the school is established, and the necessary supply is then maintained by the means just indicated. Whenever this rule has been put in force, and the fund has been judiciously expended, the school has been found to possess at least a sufficient stock for the use of the pupils. There are some localities, however, where from the poverty of the people, their ignorance, or their distrust of any innovation upon established practice, the local patrons have deemed it expedient to defer the introduction of this regulation till such time as the success of the measure would not appear to be doubtful.

In the number of schools mentioned below, the supply of books is—

Good or fair	130
Tolerable or moderate	28
Indifferent or bad	7
<hr/>	
TOTAL	165
<hr/>	

In general the school records are neatly and correctly kept, though the entries are occasionally not made at the proper time, so that the Inspector on visiting the school is obliged to report that the registers are incomplete. The least satisfactory is the school fee account, for which no form is provided by the Board, and for which the teachers have to construct a suitable book. The quarterly returns, also, though substantially correct, are not always so neatly and carefully written as to indicate very precise habits on the part of persons who are expected to be patterns of scrupulous care. It is remarkable that teachers do not instinctively feel the conclusion that may be deduced from the mode in which these documents are compiled, and still more remarkable, that notwithstanding the frequency with which they are urged to greater carefulness, they should risk their reputation by affixing their signatures to papers which, to say the least, do them no credit. In one or two cases, teachers have been guilty of wilful neglect of their school records, but there was no trace of intentional falsification.

Number of schools in which the state of the school records are—

Good or fair	119
Tolerable or moderate	25
Indifferent or bad	21
<hr/>	
TOTAL	165
<hr/>	

The majority of those included under the last head were schools recently adopted, or to which new teachers had lately been appointed.

Summing up the foregoing detailed remarks, it will be seen that considerable improvement was effected during the past year in the material equipment of National Schools. This improvement may be regarded as an indication—first, of a more widely spread desire

desire to secure for schools all the mechanical appliances available; and secondly, of the existence of greater and more perfect information as to the requirements of modern teaching. It is not, we trust, presumptuous to hope that both the desire and the knowledge evidence a fuller appreciation of the advantages of elementary education, and of the mission it is intended to fulfil in reference to the future of the Colony.

II.—MORAL CHARACTER OF SCHOOLS.

Punctuality.

There is some improvement in the punctuality of attendance this year, although the early months were uniformly wet. In ordinarily dry weather there is little cause for animadversion on this head, though there are still cases in which parents detain their children at home until a late hour. Generally speaking, however, this is a matter over which the teacher can exercise full control, and the experience of the past year has tended to confirm this view; for in one school, the pupils of which were long regarded as hopelessly unpunctual, a complete reformation was effected upon a change of teachers. The punctuality may be thus exhibited:—

Good or fair	...	...	...	...	...	98
Tolerable or moderate	...	...	...	...	...	51
Indifferent or bad	...	...	...	...	...	16
TOTAL						165

Regularity.

No material improvement can be reported in the regularity of attendance. It is doubtful whether in agricultural districts the irregularity is not becoming greater. In the towns and villages throughout the Colony, and in the schools attached to the collieries in the Hunter and Illawarra Districts, the attendance is generally regular; but in those localities where dairy or farming pursuits are carried on, the irregularity is often excessive. There would, perhaps, be sufficient excuse for the conduct of those parents who keep their children at labour, were the time so appropriated necessary, or if their children were fully and constantly employed; but there is, in most instances, an enormous waste of time—operations that require, at most, but a few days or hours being often made to extend over so many weeks or days. A little attention to the economy of time would generally enable children of the class referred to, to attend school for double the period (about four months in the year) they now receive instruction.

Number of schools in which the regularity is—

Good or fair	...	...	...	...	...	60
Tolerable or moderate	...	...	...	...	...	62
Indifferent or bad	...	...	...	...	...	43
TOTAL						165

Cleanliness.

Except in a few schools, for the most part newly established, the cleanliness of the pupils is very satisfactory, as may be seen from the following table:—

Number of schools in which the cleanliness is—

Good or fair	...	...	...	...	...	126
Tolerable or moderate	...	...	...	...	...	30
Indifferent or bad	...	...	...	...	...	9
TOTAL						165

Order.

This is a matter in which the teacher, by care and attention, can make the pupils anything he pleases. Indications of a growing tendency on the part of teachers to improve the order of their schools have been tolerably frequent during the past year, but the actual results achieved have been of the same character as on former occasions. The large number of new schools instituted during the year lowers the average character of the order; but on the whole there is ground for hope in this respect.

Number

Number of schools in which the order is—						
Good or fair	...	...	...	...	...	105
Tolerable or moderate	...	...	...	...	...	36
Indifferent or bad	...	...	...	...	...	24
TOTAL						165

Rods and similar aids to school government have almost disappeared; and although a school is not necessarily well governed because of the absence of corporal punishment, yet teachers are beginning to acknowledge that, in theory at least, milder measures may in most cases be more effectually employed. Harshness towards the pupils is very seldom manifested, the prevailing defect being of the opposite nature—too great leniency.

Number of schools in which the government is—						
Good or fair	...	...	...	...	...	105
Tolerable or moderate	...	...	...	...	...	39
Indifferent or bad	...	...	...	...	...	21
TOTAL						165

The intimate connection between the order and government of a school, will be evident on comparing the two last tables. Both depend almost entirely upon the teacher's character, the exceptions being those cases where the home influence works adversely to the school discipline.

On the whole, the moral character of the schools visited affords ground for hope, rather than matter for congratulation. There is a tendency to improvement, but little advance has yet been made upon the position of the previous year.

III.—INSTRUCTION.

Good classification (the first essential to good teaching) is more common than the reverse. Two defects in this particular are sometimes noted:—1st, the placing of a child in a class for which his education is not sufficiently advanced; and 2nd, subdivision of classes. Where the former violation of rule is observed, it may generally be traced to ignorance of the true principles on which classification depends, or want of skill in applying them; to a desire to please parents, by a premature advancement of children; to a wish to obtain higher fees, where they are made to rest on the classification; or to a latent feeling that in proportion as children are promoted to higher classes, the greater will the amount of labour bestowed on their education appear. When improper classification arises from the teacher's want of skill the case is hopeful, as additional experience may afford a remedy; but when originating in a desire to please parents it is an evidence of weakness in the teacher's character, or it may be a tacit acknowledgment of a necessity on his part, to propitiate their goodwill, on account of some fault he may have committed. There have been one or two instances in which dishonest teachers, in order to conceal their own neglect or incompetency, have advanced their pupils so as to deceive parents and lead them to suppose that great progress had been made; but these exceptional cases do not detract from the general character of the teaching body for honor and integrity. Local patrons are invariably advised not to make the fees contingent upon classification, so that the teacher may have no inducement, of a pecuniary kind, to advance his pupils more rapidly than is warranted by their real progress. The appearance of proficiency brought about by too rapid advancement of pupils is a great temptation to young or inexperienced teachers, but is easily checked by the means described in the next paragraph. The too great subdivision of classes is often the resource of a well-meaning but inexperienced teacher, who finds the irregularity of the pupils too great an evil for him to overcome. He is paralysed, as it were, at finding his arrangements rendered nugatory; and not possessing sufficient tact or energy to work in such a manner as to maintain equality of attainments in his classes, he falls into the mistake—a fatal one for his success—of subdividing them, and thus of reducing the amount of time and attention he is able to give to each child.

Number of schools in which the classification is—

Good or fair	...	...	...	...	...	113
Tolerable or moderate	...	...	...	...	...	36
Indifferent or bad	...	...	...	...	...	16
TOTAL						165

Occupation.

The instruction in National Schools is regulated and defined by a set of documents, partly printed and partly drawn up the teachers themselves; viz.,—the Table of Minimum Attainments, the Time Table, and the Programme of Lessons. The first of these is the most important, as it is the basis of all instructional arrangements. It determines the rank and composition of the various classes, the amount of proficiency to be attained, and the condition on which pupils may be promoted to higher grades. Finally, it determines to a large extent the Examiner's estimate of progress, and is the foundation of much that in his reports is submitted to the public. The nature and uses of the Time Table have been fully explained in former Reports, and it only remains to mention here, that the nice adjustment of the various considerations involved in its construction renders it a difficult task even to the most experienced teacher. The Programme of Lessons should indicate the exact course of instruction to be given during any week or longer period; and, among other objects, it seeks to render the teaching systematic, careful, and correct, by imposing upon the teacher the necessity for previous arrangement, study, and forethought, in the preparation of his lessons. In short, it requires that nothing shall be left to chance or to the whim of the moment, but that the same forecasting intelligence shall be applied to the business of teaching as to the ordinary concerns of life. This pre-arrangement of the work of instruction is one of the distinctive features of the National System, which will increase in efficiency in proportion to the success of teachers in acting up to its requirements. Hitherto that success has not been of a very satisfactory kind, partly through causes already stated, and partly for the reason that while conscientious teachers regard the documents in question as defences and guides in the performance of their duty, those who, for any reason, desire to conceal the real state of their schools, endeavour to escape from the checks thus imposed. A really good Time Table is rarely met with, and a good Programme of Lessons is rarer still. But, as may be gathered from the following table, the majority of schools are fairly supplied with these documents. There is also a tendency to improve.

Number of schools in which the arrangements of occupation is,—

Good or fair	...	...	...	...	...	107
Tolerable or moderate	...	...	...	...	...	34
Indifferent or bad	...	...	...	...	...	24
TOTAL						165

Subjects.

Reading, Writing, Arithmetic, Grammar, Geography, and the Scripture Lessons, are universally taught; and in a majority of schools, Object Lessons form part of the ordinary course. Due attention is also given to needlework. The following table exhibits the number of schools in which the higher branches are taught. That they are not more extensively introduced is less the fault of the teachers than of the circumstances of their schools, inasmuch as from the tender age of the majority of the scholars, their irregular attendance, and the early date at which they leave school, they are seldom advanced sufficiently far in their study of the ordinary branches to proceed to more difficult subjects.

Number of schools in which extra subjects are taught :—

Vocal Music	37
Outline Drawing	20
Algebra	8
Mensuration	7

Euclid

NATIONAL EDUCATION.

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Euclid	11
Latin	3
French	4

The tables subjoined sufficiently explain the nature of their contents.

TABLE shewing the Ages of Pupils on the Rolls of National Schools on the date of Examination.

DISTRICTS.	7 YEARS AND UNDER.		8 YEARS.		9 YEARS.		10 YEARS.		11 YEARS.		12 AND UPWARDS.		TOTAL.	
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.
Metropolitan	1,019	720	232	186	235	173	255	161	235	145	414	342	2,390	1,727
Northern	473	468	92	114	101	90	108	93	82	86	147	156	1,006	1,009
Southern	260	222	78	62	70	52	70	43	41	51	98	85	614	515
Western	356	317	74	68	74	64	62	81	52	52	100	122	728	694
Sub-Northern	258	250	56	60	65	63	54	53	39	48	80	92	552	566
TOTALS	2,371	1,977	532	490	545	432	549	481	449	382	839	797	5,290	4,491

TABLE showing Number of Children present at date of Examination.

DISTRICTS.	7 YEARS AND UNDER.		8 YEARS.		9 YEARS.		10 YEARS.		11 YEARS.		12 AND UPWARDS.		TOTAL.	
	Boys.	Girls.	B.	G.	B.	G.	B.	G.	B.	G.	B.	G.	Boys.	Girls.
Metropolitan	651	575	186	155	201	146	192	137	200	118	323	309	1,755	1,440
Northern	346	309	72	81	81	68	89	76	60	60	92	159	731	753
Southern	194	170	67	38	44	46	49	32	34	33	56	55	446	374
Western	295	239	67	50	57	41	41	60	35	39	67	83	562	512
Sub-Northern	232	214	47	54	55	56	45	48	32	37	66	70	477	479
TOTALS	1,718	1,507	429	378	438	367	407	359	361	287	608	676	3,971	3,558

TABLE shewing number of Pupils receiving instruction in the ordinary subjects.

Reading... ..	7,529
Writing	7,237
Arithmetic	7,142
Grammar	3,923
Geography	4,818

In about one-half the schools visited, the methods of teaching employed range from *Methods.* fair to good, and in the remainder from tolerable to bad. While this evinces some improvement since the previous inspection, it cannot be regarded as a satisfactory state of things. Some portion of the blame undoubtedly rests upon the unskilfulness of the teachers, but much more is due to their lack of interest, of earnestness, and of industry. Many who can write and talk about *analysis* and *synthesis* cannot distinguish between them in practice, and are unable to specify which method they employed in teaching a given subject. But in a majority of cases the fault is of another kind. Little time out of school is devoted to maturing plans for carrying on the work inside. The teachers act as if their connection with the school was severed at four o'clock, not to be resumed until nine next morning. Conceiving that they know the subjects, they assume that they must also know how to impart their knowledge. Hence the instances are rare in which the Inspector could infer that a lesson had received previous special preparation; and except in these cases, there appeared to be no evidence in the treatment of a lesson, that the method in which it should be given had been considered at all. While such advice, assistance, or caution as seemed to be required, was given by the Inspector in each particular case, it is obvious that a defect so general can only be effectually removed by an equally general remedy. What these measures should be need not be discussed here, as it will be necessary to recur to this question again hereafter. It is perhaps but just to state that a disposition to inquire and to learn had begun to manifest itself among the older teachers.

Number

Number of schools in which the methods are—

Good or fair	...	...	...	...	...	78
Tolerable or moderate	...	...	...	...	...	60
Indifferent or bad	...	...	...	...	...	27
TOTAL						165

Character of the instruction.

The general character of the instruction in National Schools may be gathered from the following remarks.

Reading. In one point of view, this is perhaps the subject which is best taught. Except in new schools, the children enunciate more easily and readily than in former times, and are more free from dialectical peculiarities. Besides the ordinary vulgarisms, a few yet linger, such as the pronunciation of *cāow* for *cow*. The intonation is less disagreeable than formerly, and the expression is generally more appropriate. There is still room for improvement, however, in these respects. The explanation of the lesson is better given, on the whole, and there are consequently greater indications of its having been properly understood by the pupils. The principal defects now observable are the great length of time spent in teaching the younger children to read monosyllables, and the inability of the older ones to read with taste and feeling.

Writing. There is a great want of uniformity in the teaching of this subject, and in comparatively few instances is a well considered method called to the aid of the teacher. In fact, he is chiefly governed by the description of copy book he can purchase, and there are few of these deserving of commendation, for in most of them the words and sentences set as examples are objectionable, from their being above the comprehension of the child, from conveying no definite meaning at all, or from being downright absurdities. The best writing is found in schools where the copy is written by the teacher, and where verbal explanations and descriptions are added. In most cases, however, the learner is left to his own powers of observation and imitation. There has, perhaps, been more care and attention bestowed on this subject than formerly, though the results of the teaching are not yet satisfactory. Writing from dictation, as a means of teaching spelling, has found a regular place in most of our schools.

Arithmetic. No material advance has been made during the year in the teaching of this branch. There is still too much of the old practice of teaching by rule rather than by reason; and the exercises for the younger pupils are still of a very uninteresting character, evincing little skill and probably little trouble in their preparation. In teaching this subject there is also a very general tendency to depart from the usual methods of *class-teaching*, and to make the instruction individual. As there are no practical advantages arising from this course to recommend its toleration, it has always been regarded as a departure from good methods, and discouraged accordingly.

Grammar. The elements of grammar are fairly taught in a majority of the schools, those newly established being excepted; but the more advanced portions of the subject are still omitted or imperfectly treated.

Geography. The amount of this subject imparted in the ordinary schools is mainly confined to the outlines of descriptive and political geography. While, from the limited amount of time spent at school, very great proficiency could not be expected, more could be accomplished if the lessons were more skilfully and carefully arranged. There is perhaps a tendency to improve in schools some time established, but the large and constant increase of new schools lowers the average estimate of the whole.

Object Lessons continue to be increasingly employed, but as yet without a full appreciation of their nature and aim, on the part of the teachers. Inquiry on this subject is frequently made, and must be considered a hopeful symptom.

The amount of instruction on Scriptural subjects remains the same as in previous years.

Proficiency of the pupils.

The tables given below exhibit the proficiency of pupils examined in the various branches.

I.—READING.

I.—READING.

II.—WRITING.

ACTUAL PROFICIENCY OF PUPILS.	NUMBER OF PUPILS ABLE TO READ.				ACTUAL PROFICIENCY OF PUPILS.	NUMBER OF PUPILS ABLE TO WRITE.		
	Mono-syllables.	Easy Narrative.	Ordinary Prose.	Totals.		On Slates.	In Copy books.	TOTALS.
Indifferent	850	473	137	1,460	Indifferent	1,224	758	1,982
Tolerable	880	827	657	2,364	Tolerable	1,555	1,819	2,874
Fair to good	1,240	1,327	866	3,435	Fair to good	1,065	1,316	2,381
TOTALS	2,970	2,627	1,662	7,259	TOTALS	3,844	3,393	7,237

III.—ARITHMETIC.

IV.—GRAMMAR.

ACTUAL PROFICIENCY OF PUPILS.	NUMBER OF PUPILS LEARNING ARITHMETIC.				ACTUAL PROFICIENCY OF PUPILS.	NUMBER OF PUPILS LEARNING GRAMMAR.		
	Simple Rules.	Compound Rules.	Higher Rules.	TOTALS.		Elementary.	Advanced.	TOTALS.
Indifferent	2,020	94	5	2,119	Indifferent	890	166	1,056
Tolerable	1,727	624	249	2,580	Tolerable	1,175	331	1,506
Fair to good	1,616	511	314	2,443	Fair to good	927	434	1,361
TOTALS	5,345	1,229	568	7,142	TOTALS	2,992	931	3,923

V.—GEOGRAPHY.

ACTUAL PROFICIENCY OF PUPILS.	NUMBER OF PUPILS LEARNING GEOGRAPHY.		
	Elementary.	Advanced.	TOTALS.
Indifferent	365	54	919
Tolerable	1,563	286	1,849
Fair to good	1,078	472	1,550
TOTALS	3,506	812	4,318

Our impression on the whole is, that during the year a slight but decided advance Summary. was made in the methods and character of the instruction, and that, as shown by the foregoing table, the proficiency of the pupils has sensibly improved. Bearing in mind the fact that many newly established schools were visited last year, and that the attainments of the pupils in such cases were so low as to reduce the average estimate, the opinion now stated must be regarded as less unsatisfactory than that given in former Reports.

IV.—LOCAL SUPERVISION.

This matter has received much attention during the past year, and efforts have been made to secure a more active interest on the part of local patrons in the duties devolving upon them. As a consequence, meetings have been held more frequently, schools have been oftener visited, and a greater amount of care has been manifested. Still it is doubtful whether any permanent good has been effected, for in a few months after the Inspector has left the district the patrons gradually relapse into their former indifference. While it must be admitted that the principle of selecting local managers of schools from the community is sound and excellent in theory, it has some practical limits and defects. For example, it presupposes the existence of proper material for choice, and proper motives on the part of the persons selected. But it frequently happens that neither of these requisites can be secured. But perhaps the most general reason for the apparent supineness of local patrons is the fact that their time is fully occupied with their own personal concerns. Under present circumstances, it does not appear to us that any action on the part of the Board would be likely to cause permanent improvement in the local supervision.

V.—TEACHERS.

The following is the scale of emolument attached to each grade of teacher's classification in the Board's service:—

		£
First class	Special	168
"	Section A	144
"	" B	132
Second class	" A	120
"	" B	108
Third class	" A	96
"	" B	84
"	" C	72
Probationers	... ..	60

Qualifications. The Table annexed shows the qualifications, as evidenced by classification, of the teachers employed in the schools in operation last year.

SECTION.	CLASS.			
	I.	II.	III.	Probationers.
Special	1			
Section A	1	20	43	53
" B	7	26	35	
" C .....	..	..	16	
	9	46	94	53

One teacher, Mr. E. Johnson, of the Deniliquin National School, succeeded in obtaining a special first-class certificate—the highest in the power of the Board to bestow.

Examination. The rule requiring teachers below a certain grade to undergo examination yearly, was carried out to a considerable extent last year. The number of teachers so examined was fifty-three, and five others voluntarily applied for examination, with a view to gain a higher classification. The following Table exhibits the subjects in which they were examined.

Ordinary Subjects.	Grammar	58
	Geography... ..	58
	Arithmetic... ..	58
	School Management	58
	Lesson Books	58
	Reading	58
	Writing	58
Alternative Subjects.	Psychology	1
	Algebra and Geometry	3
	Trigonometry	2
	Statics and Dynamics	1
	Astronomy... ..	1
	English Language and Literature	2
	French	1
	German	1
	Chemistry	2
	Heat, Electricity, and Magnetism	2
	Botany	1
Music	10	
Drawing	12	

Annex 2.

In the majority of cases the result of the examination in the ordinary subjects was not satisfactory. Some desire for improvement was undoubtedly manifested, but the spirit of inquiry is restricted to a few, and has not yet extended to the majority so as to influence the general character of the teaching body.

As an incentive to study, and to assist the humbler classes of teachers in raising their qualifications, the Board have arranged to pay, within certain limits, half the cost of text books required, on condition that the teachers pay the remainder. By thus reducing the cost of the means of improvement, it is hoped that teachers will be enabled to study so as to pass the necessary examinations with credit and success.

In accordance with the rule which promises a grade of promotion to teachers after three years' service, provided their schools be found in good condition, eight teachers were thus rewarded during 1861. The total number promoted during the year was twenty, of whom twelve received a higher classification for success in examination.

The position of teachers has considerably improved during the past year. The residences, of the insufficiency and discomfort of which great complaints were made in former years, have in many cases been repaired and enlarged, and some other sources of annoyance have been removed or diminished. The average salary obtained from the Board, and the amount received in fees, are shown in the annexed Table:—

CLASS OF TEACHERS.	EMOLUMENTS.					
	Salary.		Fees.		Total.	
	£	s. d.	£	s. d.	£	s. d.
First class	175	0 0	86	12 11	261	12 11
Second class	113	4 4	74	14 6	187	18 10
Third class	87	9 0	36	4 8	123	13 8
Probationers	60	0 0	33	18 0	93	18 0

In calculating the average amounts of salary and fees, the emoluments of teachers in charge of model and large urban schools were taken into account; but even when allowance is made on this point, there is an evident improvement in the pecuniary position of teachers since last year.

The sum derived from fees bears no proportion to the amount that ought to be contributed in this shape by the people. In many cases the small sum paid is given reluctantly, and every artifice is employed to evade payment. The question of fees gives rise to more disputes and heart-burnings than any other matter connected with the schools.

VI.—GENERAL RESULTS.

From the statements already made, it will appear that the material condition of National Schools has been greatly improved during the past year; that except as regards regularity of attendance, a tendency to improve in the discipline has been manifested; and that there is a slight but decided advance in the proficiency of the pupils. The local supervision remains as in previous years. The comfort and emoluments of teachers have been increased, and the means of testing and raising their qualifications have been brought extensively into operation, but as yet with little result, though there is ground for hope.

VII.—SUGGESTIONS.

The only point upon which we are prepared to offer a suggestion is the question as to the supply of qualified teachers. The establishment of the training department, and the increased facilities given to candidates for self-improvement in knowledge and practical skill, have undoubtedly done much towards the introduction of a more efficient class of teachers. But much more is required to meet the demands of the National System and of public education generally—a deeper and more varied knowledge of the subjects to be taught, and of the methods by which they are to be imparted, combined with a larger admixture

admixture of actual experience in the work of instruction. These essentials can be gained only in the Training School, and only on condition that a much greater length of time should be devoted to their acquisition. We therefore think it would be desirable to extend the period of training from one to three months; and to afford to teachers already in charge of schools, opportunities of reviving their knowledge and improving their skill, by establishing District Model Schools whenever such a step may be found practicable.

W. WILKINS,
Chief Inspector.

J. GARDINER,
Inspector of Northern District.

B. H. M'CANN,
Inspector of Western District.

C. F. PATTERSON,
Inspector of Southern District.

W. M'INTYRE,
Organizing Master.

7.—FINANCE.

Appendix C.

Statement of Receipts and Disbursements of the Board is appended hereto, by which it will be seen that a balance of £298 9s. 4d. only remained in hand on the 31st December, 1861. This sum is altogether inadequate for payment of pledges made by us for the completion of school buildings in course of erection at the close of the year. We therefore beg to express a hope that Parliament will so augment the vote for National School purposes for 1862, as to enable us to meet the increasing demands upon our resources.

We submit this our Report for the year ending 31st December, 1861, and in testimony thereof we have caused our Corporate Seal to be affixed hereto, this first day of September, one thousand eight hundred and sixty-two.

G. K. HOLDEN.

J. SMITH.

(L.S.)

G. WIGRAM ALLEN.

W. A. DUNCAN.

E. BUTLER.

R. A. A. MOREHEAD.

W. C. WILLS, Secretary.

NATIONAL EDUCATION.

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APPENDIX A.

RETURN of the Attendance of Children at the National Schools of New South Wales, as certified by the Local Patrons, for the Quarter ending December, 1861, or for the last Quarter in which the Schools were in operation respectively.

No.	NAME OF SCHOOL.	NUMBER OF SCHOLARS ON ROLLS.			AVERAGE ATTENDANCE.			VISITED OR NON-VISITED.	REMARKS.
		Boys.	Girls.	Total.	Boys.	Girls.	Total.		
1	Albury	68	54	122	81	10	91	V.	Open the whole year.
2	Aberglasslyn	20	23	43	11	25	36	V.	Ditto.
3	Armidale	29	21	50	21	14	35	N.V.	Open in June.
4	Avondale	44	31	75	32	20	52	V.	Open the whole year.
5	Arncliffe	21	9	30	16	6	22	N.V.	Open in November.
6	Bathurst	60	14	74	45	9	54	N.V.	Open the whole year.
7	Barraba	12	10	22	9	9	18	N.V.	Open in October.
8	Bendolba	25	45	70	7	13	20	V.	Open the whole year.
9	Berrima	21	12	33	18	9	27	N.V.	Ditto.
10	Berkeley	31	19	50	22	13	35	V.	Ditto.
11	Bolwarra	32	33	65	24	22	46	V.	Ditto.
12	Bowenfels	27	24	51	21	19	40	V.	Ditto.
13	Braidwood	50	51	101	33	33	66	V.	Ditto.
14	Brookfield	34	37	71	22	24	46	V.	Ditto.
15	Bishopsbridge	8	10	18	4	4	8	N.V.	Closed in August.
16	Bangalore	12	14	26	9	11	20	N.V.	Open the whole year.
17	Blaney	27	23	52	18	18	36	V.	Ditto.
18	Bishopsgate	121	94	215	89	61	150	N.V.	Ditto.
19	Ballina	20	25	45	17	21	38	V.	Opened in December.
20	Broughton Creek	30	25	55	15	16	31	N.V.	Open the whole year.
21	Bow Bow Creek	20	8	28	14	4	18	N.V.	Opened in July.
22	Binalong	17	29	46	8	22	30	V.	Opened in March.
23	Botany Road	41	33	74	28	24	52	N.V.	Open the whole year.
24	Bega	40	28	68	31	20	51	V.	Ditto.
25	Balmain	145	88	233	115	61	176	N.V.	Ditto.
26	Burrendulla	17	14	31	13	10	23	N.V.	Ditto.
27	Bendemeer	9	10	19	6	9	15	V.	Ditto.
28	Boolong	16	17	33	7	8	15	N.V.	Opened in November.
29	Carcoar	31	38	69	21	30	51	V.	Open the whole year.
30	Camden	24	25	49	24	17	41	V.	Ditto.
31	Clarence Town	38	34	72	28	24	52	V.	Ditto.
32	Cleveland-st., Sydney.	205	149	354	160	108	268	V.	Ditto.
33	Cundletown	24	19	43	12	14	26	V.	Ditto.
34	Coorumbong	26	13	39	14	11	25	N.V.	Opened in December.
35	Castlereagh	9	6	15	6	4	10	N.V.	Open the whole year.
36	Colyton	21	17	38	15	11	26	N.V.	Opened in September.
37	Cowra	20	21	41	11	13	24	N.V.	Open the whole year.
38	Cobbity	28	34	62	21	25	46	N.V.	Ditto.
39	Clifton	25	19	44	12	12	24	N.V.	Ditto.
40	Casino	21	21	42	19	20	39	N.V.	Opened in March.
41	Cambewarra	29	34	63	22	24	46	V.	Open the whole year.
42	Cawdor	14	34	48	8	24	32	N.V.	Ditto.
43	Coolangatta	11	21	32	14	11	25	N.V.	Opened in November.
44	Campbell's River	22	18	40	16	13	29	N.V.	Open the whole year.
45	Dungog	23	45	68	15	28	43	V.	Ditto.
46	Dunmore	36	41	77	20	25	45	V.	Ditto.
47	Dubbo	30	32	62	20	25	45	V.	Ditto.
48	Dennis Island	12	24	36	9	13	22	N.V.	Ditto.
49	Eden	38	20	58	20	11	31	V.	Ditto.
50	Eling Forest	16	13	29	7	9	16	V.	Ditto.
51	Ellalong	19	23	42	11	13	24	N.V.	Ditto.
52	Evans' Plains	31	26	57	24	18	42	V.	Ditto.
53	Fort-street, Sydney ..	558	427	985	402	291	693	V.	Ditto.
54	Fish River Creek	11	17	28	5	10	15	N.V.	Opened in April.
55	Falbrook	25	19	44	10	16	26	V.	Open the whole year.
56	Frederickton	16	30	46	11	21	32	N.V.	Opened in July.
57	Four Mile Creek	18	16	34	15	12	27	V.	Open the whole year.
58	Five Dock	32	18	50	21	15	36	N.V.	Open in June.
59	Fishery Creek	20	24	44	10	17	27	V.	Open the whole year.
60	Fairy Meadow	33	40	73	26	28	54	V.	Ditto.
61	Glenwilliam	22	27	49	14	17	31	V.	Ditto.
62	Ghini Ghini	23	41	64	19	31	50	N.V.	Opened in June.
63	Gosforth	19	17	36	10	10	20	V.	Open the whole year.
64	Grafton	91	53	144	67	32	99	V.	Ditto.
65	Gunning	16	15	31	13	11	24	N.V.	Ditto.
66	Goulburn	29	20	49	22	13	35	N.V.	Ditto.
67	Guntawang	22	26	48	19	21	40	N.V.	Ditto.
68	Gledswood	23	30	53	19	21	40	V.	Ditto.
69	Gundagai	48	39	87	31	23	54	V.	Ditto.
70	Hinton	30	30	60	21	22	43	V.	Ditto.
71	Howlong	12	10	22	8	7	15	N.V.	Opened in December.
72	Hoyell's Creek	16	17	33	11	12	23	N.V.	Opened in July.
73	Iona	23	29	52	21	24	45	V.	Open the whole year.
74	Jamberoo	25	27	52	21	17	38	V.	Ditto.
75	Kirkconnell	14	29	43	10	20	30	V.	Ditto.
76	Kumpsey West	15	24	39	10	15	25	N.V.	Ditto.
77	Kiama	50	24	74	37	16	53	N.V.	Opened in May.
78	Keen's Swamp	7	8	15	6	6	12	N.V.	Closed in June.
	Carried forward ..	2,968	2,607	5,575	2,124	1,754	3,878		

APPENDIX A—Continued.

No.	NAME OF SCHOOL.	NUMBER OF SCHOLARS ON ROLLS.			AVERAGE ATTENDANCE.			VETED OR NON-VETED.	REMARKS.
		Boys.	Girls.	Total.	Boys.	Girls.	Total.		
	Brought forward..	2,968	2,607	5,535	2,124	1,754	3,895		
79	Lower Bangalore	12	14	26	9	11	20	N.V.	Opened in March.
80	Lochinvar	60	53	113	39	28	67	N.V.	Opened in April.
81	Little Hartley	16	11	27	13	7	20	N.V.	Opened in May.
82	Louisa Creek	16	19	35	12	13	25	V.	Open the whole year.
83	Long Reach	10	8	18	7	7	14	N.V.	Ditto.
84	Luddenham	22	26	48	16	17	33	N.V.	Ditto.
85	Limekilns	13	10	23	9	7	16	N.V.	Ditto.
86	Macdonald River	18	18	36	14	14	28	V.	Ditto.
87	Major's Creek	45	33	78	25	14	39	V.	Ditto.
88	Mangrove	10	14	24	10	12	22	N.V.	Opened 30th April.
89	Merriwa	17	17	34	12	15	27	V.	Open the whole year.
90	Meadow Flat	21	19	40	13	17	30	V.	Ditto.
91	Mudgee	111	90	201	98	76	124	V.	Ditto.
92	Murrurundi	37	23	60	22	14	36	V.	Ditto.
93	Manly	15	7	22	10	4	14	V.	Closed in June.
94	Mosquito Island	13	15	33	14	12	26	N.V.	Closed in October.
95	Marshall Mount	17	26	43	10	18	28	V.	Open the whole year.
96	Mount Gilead	21	27	48	16	18	34	N.V.	Opened in March.
97	Munkerai	9	16	25	6	13	19	N.V.	Opened in March.
98	Minmi	50	41	91	43	31	74	N.V.	Closed in July.
99	Marulan	10	13	23	6	7	13	N.V.	Closed in September.
100	Molong	37	33	70	26	20	46	N.V.	Open the whole year.
101	Merandee	10	12	22	9	10	19	N.V.	Ditto.
102	Marengo	17	19	36	14	15	29	N.V.	Opened in April.
103	Myrtleville	16	20	36	9	12	21	V.	Open the whole year.
104	Mount Macquarie	10	24	34	8	18	26	V.	Ditto.
105	Mount Keira	16	18	34	11	14	25	N.V.	Opened in December.
106	Nelson's Plains	22	32	54	14	15	29	V.	Open the whole year.
107	Newcastle	41	33	74	30	19	49	N.V.	Ditto.
108	Orange	49	46	95	36	37	73	V.	Ditto.
109	Oswald	33	19	52	23	13	36	N.V.	Ditto.
110	Ophir Road	9	21	30	5	12	17	V.	Ditto.
111	Omega Retreat	39	22	61	30	16	46	V.	Ditto.
112	Panbula	19	11	30	12	7	19	V.	Ditto.
113	Parading Ground	16	23	39	7	13	20	V.	Ditto.
114	Paddington	114	61	175	83	42	125	V.	Ditto.
115	Peel	25	27	52	14	15	29	V.	Ditto.
116	Pennant Hills	11	19	30	4	6	10	V.	Ditto.
117	Picton	35	11	46	23	6	29	V.	Ditto.
118	Port Macquarie	25	18	43	21	12	33	V.	Ditto.
119	Purfleet	22	27	49	15	21	36	V.	Ditto.
120	Pitt Town	96	97	193	62	60	122	N.V.	Ditto.
121	Pymont	39	34	73	26	24	50	N.V.	Ditto.
122	Pitt-street South	70	49	119	62	43	105	N.V.	Opened in December.
123	Pitt-street	63	37	110	37	20	57	N.V.	Open the whole year.
124	Pyree	29	27	56	19	21	40	N.V.	Ditto.
125	Parkhaugh	24	14	38	15	11	26	N.V.	Ditto.
126	Redbank	23	19	42	14	10	24	V.	Ditto.
127	Rylstone	16	12	28	12	9	21	N.V.	Ditto.
128	Raymond Terrace	23	28	56	19	21	40	N.V.	Re-opened in April.
129	Rockley	23	13	36	14	8	22	N.V.	Open the whole year.
130	Rocky River	28	41	69	16	22	38	N.V.	Ditto.
131	Richmond	32	12	44	26	10	36	N.V.	Ditto.
132	Seaham	12	19	31	8	12	20	V.	Ditto.
133	Singleton	56	22	78	42	18	60	V.	Ditto.
134	Smithfield	39	25	64	28	18	46	V.	Ditto.
135	Stanhope	17	16	33	11	10	21	V.	Ditto.
136	Sugarloaf	20	19	39	9	8	17	V.	Ditto.
137	South Head	20	15	35	13	8	21	N.V.	Ditto.
138	Shell Harbour	34	18	52	22	11	33	N.V.	Ditto.
139	Strontian Park	23	22	45	15	15	30	N.V.	Ditto.
140	Stockton	19	17	36	16	14	30	N.V.	Ditto.
141	St. Mary's	16	13	29	12	8	20	N.V.	Opened in June.
142	Summerhill	11	13	24	10	10	20	N.V.	Opened in September.
143	Tamworth	23	22	50	18	17	35	V.	Open the whole year.
144	Tomago	21	26	47	13	14	27	V.	Ditto.
145	Tilimby	12	15	27	8	9	17	N.V.	Ditto.
146	Taralga	14	22	36	9	10	19	N.V.	Ditto.
147	Tarlo	13	12	25	12	11	23	N.V.	Ditto.
148	Tambaroora	20	9	38	17	5	22	N.V.	Ditto.
149	Tumut	19	16	35	11	13	24	N.V.	Ditto.
150	Towrang	7	11	18	4	7	11	N.V.	Ditto.
151	Tinonee	10	22	32	9	18	27	N.V.	Ditto.
152	Tuena	14	14	28	14	14	28	N.V.	Ditto.
153	Telegberry	28	30	58	20	22	42	N.V.	Ditto.
154	Tarrec	24	32	56	16	18	34	N.V.	Opened in March.
155	Ulladulla	26	18	44	25	12	37	N.V.	Opened in August.
156	Ullmarra	11	18	29	9	12	21	V.	Opened in December.
157	Violet Hill	19	27	46	13	21	34	V.	Open the whole year.
158	Vacy	14	21	35	8	16	24	N.V.	Ditto.
159	Wentworth	20	19	39	14	13	27	N.V.	Ditto.
	Carried forward..	5,109	4,499	9,608	3,650	3,053	6,743		

NATIONAL EDUCATION.

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APPENDIX A—Continued.

No.	NAME OF SCHOOL.	NUMBER OF SCHOLARS ON ROLLS.			AVERAGE ATTENDANCE.			VESTED OR NON-VESTED.	REMARKS.
		Boys.	Girls.	Total.	Boys.	Girls.	Total.		
	Brought forward..	5,109	4,499	9,608	3,050	3,053	6,743		
160	William-street, Sydney	491	283	774	340	192	532	V.	Open the whole year.
161	Wollombi	48	52	100	32	37	69	V.	Ditto.
162	Wollongong	99	72	171	65	39	104	V.	Ditto.
163	Waratah	39	46	85	27	32	59	N.V.	Ditto.
164	Westbrooke	33	21	54	23	12	35	V.	Ditto.
165	Walcha	21	23	44	13	21	39	V.	Ditto.
166	Warkworth	4	13	17	6	10	16	N.V.	Closed in March.
167	Winburndale	15	22	37	7	9	16	N.V.	Open the whole year.
168	Woola Woola	15	30	45	9	25	34	N.V.	Closed in November.
169	Windeyer	15	14	29	6	6	12	V.	Closed in April.
170	Wallerawang	13	22	35	7	15	22	N.V.	Open the whole year.
171	Wagga Wagga	38	35	73	25	22	47	V.	Ditto.
172	Wallalong	32	31	63	21	19	40	V.	Opened in May.
173	Wesleyvale	25	13	38	18	10	28	N.V.	Opened in April.
174	Warialda	11	12	23	9	9	18	V.	Closed in September.
175	Wellington	11	25	36	8	14	22	N.V.	Opened in September.
176	Wattle Flat	42	22	64	28	11	39	V.	Open the whole year.
177	White Rock	8	5	13	5	3	8	N.V.	Opened in December.
178	Young	45	46	91	22	19	41	N.V.	Opened in July.
	TOTALS	6,114	5,286	11,400	4,326	3,558	7,924		

* No certified Returns.

APPENDIX B.

NUMBER of Schools applied for during 1861, and showing what action was taken in each case.

No.	NAME OF PLACE WHERE SCHOOL APPLIED FOR.	VESTED OR NON-VESTED.	REMARKS.
1	Barrington	N. V.	Rules forwarded, and compliance ordered conditionally.
2	Balranald	V.	Pledged towards cost of erecting the school.
3	Cooma	V.	Formal application replied to.
4	Clarenza	N. V.	Ditto ditto.
5	Deniliquin	V.	Funds pledged on account thereof.
6	Fig Tree	N. V.	Preliminary application replied to.
7	Great Marlow	N. V.	Ditto ditto.
8	Gunnedah	V.	Aid granted.
9	Hastings River	N. V.	Awaiting plan and specification.
10	Hay	V.	Formal application replied to.
11	Inverell	V.	Land for school site granted; plan and specification of school buildings sent; opened in temporary premises.
12	Kiama	N. V.	Land granted; school opened in temporary premises.
13	Lochinvar	N. V.	Re-opened in temporary premises.
14	Lismore	N. V.	Aid granted.
15	Little Hartley	N. V.	Ditto.
16	Marulan	N. V.	Ditto.
17	Minni	N. V.	Ditto.
18	Mangrove	N. V.	Ditto.
19	Mount Gilend	N. V.	Ditto.
20	Monga	N. V.	Land as a school site applied for.
21	Murrumburrah	N. V.	Aid granted.
22	Moulamein	V.	Formal application received and replied to.
23	Mulgoa	V.	Ditto ditto.
24	Mount Keira	N. V.	Aid granted.
25	Moorfields	N. V.	Ditto.
26	Oxley Island	N. V.	Ditto.
27	Pitt-street South	N. V.	Ditto.
28	Rocky River	N. V.	Ditto.
29	Rolland's Plains	N. V.	Application received and replied to.
30	Rope's Creek	N. V.	Aid granted.
31	Seven Oaks	V.	Awaiting conveyance of land.
32	St. Omer's	N. V.	Formal application received and replied to.
33	Summerhill	N. V.	Aid granted.
34	Saumarez Creek	V.	Ditto.
35	Uladulla	N. V.	Ditto.
36	Wallsend	N. V.	Application received and replied to.
37	Watagon Creek	N. V.	Aid granted.
38	Young	N. V.	Ditto.

APPENDIX C.

APPENDIX C.

RECEIPTS and DISBURSEMENTS of the Board of NATIONAL EDUCATION, from 1st January to 31st December, 1861.

RECEIPTS.	AMOUNT.			DISBURSEMENTS.			AMOUNT.							
	£	s.	d.	GENERAL MANAGEMENT.			£	s.	d.	£	s.	d.		
Vote, 1861	25,000	0	0	Salaries	3,785	7	8							
Church and School Estates ..	846	11	8	Sundries—										
				Buildings and Repairs	54	1	3							
				Travelling Expenses...	1,037	17	6							
				Books, Printing, and										
				Stationery	279	0	4							
				Petty Expenses, Car-										
				riage, Postage, &c.	141	9	7							
								1,512	8	8				
											5,297	16	4	
				SCHOOLS.										
				Salaries	17,560	12	5							
				Sundries—										
				Buildings and Repairs,										
				Rent and Furniture...	4,285	4	2							
				Travelling Expenses...	396	11	9							
				Books and Stationery	390	14	9							
				Petty Expenses, Fuel,										
				Lighting, Labour, &c.	27	14	9							
								5,100	5	6				
TOTAL RECEIPTS	25,846	11	8								22,660	17	10	
BALANCE, 31 Dec., 1860 ..	2,410	12	6	TOTAL DISBURSEMENTS							27,958	14	2	
				BALANCE on 31st December, 1861.....							298	9	11	
	£	28,257	4	1							£	28,257	4	1

APPENDIX D.

INSTRUCTIONS to Inspectors in visiting and reporting upon National Schools.

1. Inspectors are to bear in mind that they are not administrators of the National System of Education, and that they possess no *authority*, except what is expressly delegated to them by the Board. They are in the first place Inspectors of Schools, and as such, their chief duty is to place before the Commissioners in clear, faithful, and comprehensive reports, the means by which *they* may interfere usefully and efficiently for the improvement of their schools. Secondly, as agents for the Board, they are to require obedience to the regulations; but they are not upon their own authority to alter any existing rule or frame new ones. Their powers are confined to suggesting remedies for defects and corrections for observed abuses. At the same time, the Board trust that Inspectors will perform their duties, not in a perfunctory manner, but with a zealous desire to promote the cause of education, and that they will tender suggestions freely on other points besides those provided for in the following instructions, whenever it may seem desirable.

2. Inspectors are to avoid all public discussions of a religious or political nature; they may lecture—as a mode of giving information to the public—upon the National System, but are on no account to enter into a public controversy respecting its merits with parties holding different views.

3. While Inspectors are required to discharge their public duties impartially and conscientiously, and irrespective of all local interests or party influences of any kind, they are to exhibit a courteous and conciliatory demeanour towards all persons with whom they are called upon to communicate. In private life, and in all social relations as members of the community, they are required to support in a modest but becoming manner, the bearing, character, and standing of a gentleman, and scrupulously to avoid everything calculated in any degree to detract from the respectability of their position or lessen the influence of their office.

4. Inspectors are expected to treat as confidential the letters addressed to them from the Secretary's Office, particularly those relating to cases of special inquiry, the conduct of teachers, or the management of patrons; and they are not in any case to give publicity to the contents of such communications any further than their nature and purport obviously demand.

5. In all correspondence with the office, whether in the form of reports, letters, or returns, Inspectors are to study to express themselves with clearness, explicitness, and precision, and to habituate themselves to a style of penmanship at once neat and entirely legible.

6. Inspectors are requested to comply with the following directions in their correspondence.

- (1.) Communications are to be addressed to the Secretary.
- (2.) The word "Inspection" is to be written in the left hand corner of the outside cover.
- (3.) All communications are to be made on paper of the foolscap size.
- (4.) The name of the school, to which the communication refers, should be stated at the head of the letter.
- (5.) If the communication does not refer to any particular school, the subject of it should, if practicable, be briefly set forth at the head of the letter.
- (6.) Different subjects should not be entered upon in the same communication; as a general rule, each should have a separate letter.
- (7.) The rank of the Inspector and the name of the District of which he has charge, are to be added after the writer's signature.
- (8.) Inspectors are, as much as possible, to avoid making themselves the channel of communication between Local Patrons or Teachers and the Board; and whenever applications or letters are addressed to them, they are to acquaint the writers that all communications should be forwarded to the Secretary. This rule, however, should not prevent the Inspectors from giving information when it is sought.

7. At the commencement of each year, Inspectors will draw up a programme of their duties for the year, and submit it for the approval of the Board.

8. Should an Inspector from unavoidable causes, be unable to visit all the schools he is directed to inspect, he is to make a special report of the circumstances, together with his explanation of the cause.

9. Inspectors are not to visit schools during the ordinary vacations or on specified holidays. In connection with this rule, they will make themselves acquainted, in the case of every school under their charge, with the days alluded to, and will further direct the teachers to specify them in the Time Table. They will also direct that when schools are closed from other causes, the teachers shall give such previous notice as will prevent loss of time in visiting them.

10. Should an Inspector unexpectedly find the school closed, he will collect all information in his power, and report to the Board the fact of the closing of the school at an unusual time.

11. The inspection of a school will henceforth be distinguished as primary, annual, secondary, and incidental. In the case of new schools, or schools to which new teachers have been appointed since the previous inspection, the first inspection must always be of the primary kind.

12. In the primary and annual inspections, Inspectors should give due previous notice—seven days at least—of their intention to visit schools; but in all other cases they should visit as unexpectedly as possible, and with this view, should arrange the course of inspection so as not to remain long in the same neighbourhood.

13. Incidental visits should be made as often as possible; in fact, Inspectors should never pass near a school without entering and ascertaining its condition.

14. The forms A and B should be used in the primary and annual inspections; in the secondary inspection, a written report should be furnished, describing the general condition of the school and the mode in which it is conducted by the teacher as regards organization, discipline, and instruction; and on the occasion of an incidental visit, Inspectors will record the fact, together with their opinion on the state of the school.

15. From four to five hours per day at least must be employed in the actual work of inspection, under the primary or secondary forms.

16. When the Inspector visits with a view to his primary inspection, he should himself examine all the classes; but on other occasions he should call upon the teacher to conduct the examination, and carry on the usual routine of the school in his presence.

17. On entering a National School, the Inspector will first address himself to the teacher, who is entitled to the utmost courtesy and consideration. If the teacher be not previously known to the Inspector, the latter will formally introduce himself and exhibit his credentials.

18. The Inspector will then observe if the Board's fundamental Regulations are strictly complied with; he will notice the Tablets on the walls, General Lesson, Notice to Visitors, Table of Minimum Attainments, Time Table, &c., and the books in the hands of the children; he will ascertain whether the occupations in which the scholars are actually engaged correspond with those prescribed on the Time Table; and will then inspect the Registers, with a view to ascertain their correctness.

(19.) Having completed this cursory but searching general examination of the school, the Inspector will direct his attention to the following points in succession. The order in which the various subjects are taken is immaterial, so long as none are neglected.

A.—ORGANIZATION.

- (1.) *Situation*: Whether central and suitable, healthy and pleasant.
- (2.) *Schoolroom*: Form and dimensions, state of repair, cleanliness.
- (3.) *Playground*: Extent, nature of the soil, if fenced in, furnished with proper outbuildings, how appropriated.
- (4.) *Furniture*: The quantity, condition, arrangement and suitability.
- (5.) *Apparatus*: The quantity, condition and suitability.
- (6.) *Books*: Quantity and condition, deficiency (if any) and cause thereof; if books not sanctioned by the Commissioners used in the school, and their names.
- (7.) *Classification*: Whether the pupils are carefully and intelligently classed according to their respective ages and capacities, with especial reference to the "Table of Minimum Attainments."
- (8.) *Occupation*: Whether a Time Table has been suspended in the schoolroom and constructed in accordance with the Board's Regulations; the subjects mentioned therein to be examined and compared with the "Table of Minimum Attainments." Whether the occupations of the pupils are judiciously arranged, and the Time Table is strictly acted upon. If the Vacations and Holidays are noted upon the Time Table. Examine the Programme of Lessons for each class, and state opinion of its suitability and genuineness.
- (9.) *Registers*: Examine and compare the entries in the Class Rolls, Daily Report Book, Admission Register, and duplicate Quarterly Returns for the two previous quarters. In case of non-agreement or incompleteness, ascertain, and report specifically whether the fault arises from ignorance, neglect, or intentional falsification. In any case advise the teacher and direct him to correct or complete the Registers forthwith. Compare the average daily attendance with the numbers on the Roll. Inquire whether the entries are made daily and weekly, as directed in the Register and Quarterly Returns. Examine the Quarterly Return of the current quarter. Inspect the teacher's account of fees, and state whether it is kept in such a manner as to justify the belief that his return on that head is reliably correct. Examine and audit the account of receipts and expenditure of the Book Fund, and report whether the money has been properly and judiciously expended. Suggest to the teacher the desirability of keeping a stock of books on hand for sale to his pupils.

B.—DISCIPLINE.

- (10.) *Punctuality*: Observe whether the teacher conducts all the operations of the school with punctuality; notice the arrival of the children, whether at the prescribed time. State what means are employed by the teacher to produce punctuality.
- (11.) *Regularity*: Inspect the Class Rolls to ascertain whether the attendance is regular. If not, state the causes of irregularity, and the means adopted to bring about improvements in that particular, and whether there is anything in the conduct of the school that would tend to encourage irregular habits. If the attendance be below the required minimum, ascertain the cause.
- (12.) *Cleanliness*: Of the Schoolroom, of the Teachers, of the Pupils. Observe if the children are regularly inspected before going into the school. Examine the desks and seats, and observe if they are cut, broken, or marked with ink; see if the maps, &c., are kept free from dust and stains.
- (13.) *Order*: See whether the Furniture, Apparatus, Books, &c., are arranged in an orderly and becoming manner; whether the operations of the school are carried on gently and without unnecessary noise; whether the children's demeanour, manners and conduct are modest and well regulated. Give your impression of the moral tone of the school.
- (14.) *Government*: Observe whether the teacher rules chiefly by moral influence or by corporal punishment; and whether his bearing, language, and manners towards the pupils are such as ought to characterize one who holds so responsible an office.

C.—INSTRUCTION.

- (15.) *Subjects*: Note the subjects taught, whether they are appropriate, and whether they accord with the "Table of Minimum Attainments." Note in particular whether the principles of the General Lesson are regularly and earnestly inculcated.

(16.)

- (16.) *Methods*: Observe whether they are judicious, and suited to the ages and capacities of the children. State the character of the methods employed.
- (17.) *Attainments*:—Ascertain the progress of the children in each class in all the subjects taught, having constant reference to the "Table of Minimum Attainments," and state whether the instruction has had the effect of developing the intelligence of the children.
20. The Inspector will next inquire into the qualifications and efficiency of the teacher, having regard to his demeanour before the class, his skill as a disciplinarian, his power of securing the attention of his pupils to his instruction, his choice of subjects and methods, his manner, tact, and moral influence. The ability of the Female Teacher to instruct in needlework should also be inquired into, as well as her probable influence in forming the characters of the girls entrusted to her charge. As the school-buildings, furniture, apparatus, and other property belonging to the Board are placed in charge of the Teacher, the Inspector should ascertain if a reasonable amount of care is taken to preserve them from injury.
21. The Inspector should give a list of the Local Patrons, with their respective denominations. If any denomination be not represented in the Local Board, he should state the reason, and explain, in a special report, if any and what steps have been taken to fill up the vacancy. It should further be explained whether the Local Patrons have made any definite arrangements for supervising the school, and whether they visit it regularly. If any record be kept of their visits, the Inspector should embody the information in his report, and state further whether the Local Patrons manifest an intelligent and abiding interest in the prosperity of the school.
22. In forming a final judgment on the state of a school, the Inspector, at each inspection, should principally have regard to,—
- (1.) The material state and general keeping of the school.
 - (2.) The moral character of the school.
 - (3.) The subjects and methods of instruction.
 - (4.) The proficiency of the pupils.
 - (5.) The qualifications of the teachers;—whether they be competent, efficient, and influential, faithful in the observance of all suggestions left for their guidance, prompt in the correction of abuses and eager for improvement, duly impressed with the importance of their office, and earnest and content in the discharge of their duties.
 - (6.) The general tone of the school, whether its air, aspect, and spirit, be satisfactory or the reverse.
 - (7.) Local supervision—whether regular and efficient.
 - (8.) Recommendations.
- Reports should be written as soon as the necessary information has been collected, and, when practicable, in the localities to which they refer.
23. The Inspector will enter the date of his visit in the Daily Report Book of the school, stating whether it be a primary, annual, secondary, or incidental inspection. No other remark is to be added, but the Inspector will sign his name and title.
24. Inspectors are required to keep "Note Books," in which they will enter, at each separate visit, all the details of inspection, and this in so full a manner that these notings may be afterwards taken, if necessary, as a faithful record of the proceedings, and as a justification of the Report forwarded to the Board.
25. Whatever suggestions or observations may be deemed requisite, are to be made by the Inspector to teachers at the close of the inspection, and fully explained at the same time. The more important ought to be made in writing, the Inspector retaining a copy, and appending it to his Report.
26. In every instance where the Inspector observes any violation of rule or existing defect, he is to suggest to the Local Patrons or Teachers, as the case may require, the necessity for its correction, and state in his report that he has done so;—explaining further, how, and in what spirit, his suggestions were received. *He will further state plainly what action he considers necessary on the part of the Board to effect any desired improvement in the conduct of the school.*
27. When the Inspector observes any deficiency in the material appliances of the school, he will instruct the Teacher to apply in writing to the Local Patrons for the articles required; and if this step should prove ineffectual, to report to the Commissioners in the usual manner through the Local Patrons.
28. Without seeming officiousness, unbecoming intermeddling, or too much curiousness, Inspectors should as far as possible inform themselves of the general character borne by teachers in their respective neighbourhoods, the estimation in which they are held by the people, their social position, and their conduct as members of society.
29. Each Inspector is required to make himself thoroughly acquainted with the fundamental principles of the National System, the Regulations of the Board, and the general history and progress of its administration from its origin to the present time.
30. It is also expected of him that he should not only study to strengthen and enlarge his knowledge of the different branches of literature, philosophy, and science, connected with or bearing upon the duties of his office, but that he should likewise make himself familiar with the state of popular education in other countries. He is further to acquire, and as opportunity offers, to keep up and improve acquaintance with the opinions and writings of the eminent educationists of the time.
31. Each Inspector will forward weekly a diary of his proceedings during the preceding week.
32. When Inspectors are to be absent from their stations for more than seven consecutive days, they are to intimate the address to which communications for them may be forwarded.

By order of the Board of National Education.

W. C. WILLS,
Secretary.

National Education Office,
Sydney, 2 January, 1862.

ANNEX I.

DETAILED STATEMENT of the condition of National Schools inspected during the year 1861:—

- The remarks under the head I. relate to the material condition of the schools.
Under II. to their moral character.
Under III. to the subjects and methods of instruction.
Under IV. to the proficiency of the pupils.

AVONDALE—NON-VESTED.

(Visited 20th March, 1861. Numbers present at Examination:—18 boys, 15 girls; 33 total.)

1. The site is good; in every other respect the building is totally unsuited to the purposes of a school. The new schoolhouse is expected to be ready very soon.
2. The moral tone of the schools is perhaps as good as could be reasonably expected, when the disadvantages under which the school labours are taken into account.
3. The ordinary subjects of instruction are taught, keeping tolerably close to the "Table of Minimum Attainments." The methods employed are judicious.
4. They have made fair progress in a few of the branches; but there is a want of uniformity in the attainments, both individually and in the classes.

BALMAIN—

BALMAIN—VESTED.—(In temporary premises.)

(Visited 27th and 28th November, 1861. Numbers present at Examination:—122 boys, 63 girls; total, 185.)

1. The present schoolroom is too small, but a new building is about to be erected. In other respects the material state is good.
2. With the exception of some little irregularity in the attendance, the discipline is excellent.
3. Only the ordinary branches are taught, but the instruction is skilfully and successfully given.
4. The progress of the pupils since the appointment of the present teachers is creditable.

BERKELEY—VESTED.

(Visited 19th March, 1861. Numbers present at Examination:—28 boys, 16 girls; total, 44.)

1. The buildings are in excellent condition, and the internal arrangements have been well looked after.
2. This is one of the schools of the district where the moral tone is decidedly high. The punctuality, regularity, order, and cleanliness reflect credit on teacher and scholars.
3. If Object Lessons were included in the Time Table, the course of instruction would be quite suitable. Singing is taught with some success.
4. The classes are misnamed, but judging without reference to the Table, the proficiency is good. The writing deserves special notice, being most carefully taught.

BISHOPGATE—NON-VESTED.

(Visited 14th November, 1861. Numbers present at Examination:—169 boys, 118 girls; total, 287.)

1. The material state of this school is tolerably satisfactory, but the room is much too small.
2. The moral tone is not yet very good. There is no playground.
3. Much pains is bestowed upon the instruction, which is moderately successful.
4. The proficiency of the pupils is still below the standard, but is probably as good as could be expected under the circumstances.

BOTANY ROAD—NON-VESTED.

(Visited 24th June, 1861. Numbers present at Examination:—18 boys, 16 girls; total, 34.)

1. The schoolroom is a good building, but in every other respect the organization is defective.
2. In point of discipline the school holds a low rank.
3. The instruction is tolerably skilful, but superficial and somewhat careless.
4. The proficiency in every subject is indifferent.

BROUGHTON CREEK—NON-VESTED.

(Visited 8th April, 1861.—Numbers present at Examination:—9 boys, 10 girls; total, 19.)

1. The mere building is excellent, but furniture and apparatus have yet to be provided.
2. The children are neither punctual nor regular. They are tolerably clean, but extremely disorderly. The moral tone of the school is low.
3. Reading, writing, and arithmetic, are the sole subjects of instruction. The teacher has yielded to the parents' objection to grammar and geography.
4. The proficiency, even in the few subjects taught is very low.

CAMBEWARRA—VESTED.

(Visited 6th May, 1861.—Numbers present at Examination:—24 boys, 25 girls; total, 49.)

1. The material appliances of this school are good. The playground is not yet enclosed.
2. Cleanliness and order prevail. The moral tone might be considered very satisfactory, but for the extreme bashfulness of the pupils.
3. Considerable skill and tact are evinced in the selection of subjects and methods; more energy and confidence would improve the teacher's manner of conducting a class.
4. The answering in all the classes was fair, considering the short time the school has been in progress, and that most of the children were never at school before.

CAMDEN—VESTED.

(Visited 12th July, 1861.—Numbers present at Examination:—21 boys, 21 girls; total 42.)

1. The school buildings are undergoing repair. The furniture and apparatus are sufficient, and in good state of preservation. Most of the books are imperfect.
2. The children are clean, respectful in demeanour, orderly in their classes, and quiet. They seem happy, and free from unhealthy restraint. The moral tone of the school is high.
3. The subjects taught are those required; the instruction is careful, and conducted with much earnestness and skill.
4. The attainments of all the classes are good. There was considerable timidity shown in the third class, which cloaked much of what they really knew.

CAWDOR—NON-VESTED.

(Visited 17th July, 1861.—Numbers present at Examination:—12 boys, 33 girls; total, 45.)

1. An excellent and suitable building. The furniture and part of the apparatus belong to the teacher. The material condition is, in general, good. The proportion of boys to girls is low.
2. I have rarely met a more orderly, clean, respectful class of children. The moral character of the school is satisfactory.
3. All the subjects are taught. The methods in use, judging from the results, cannot be very effective.
4. Writing is the only subject in which there is a marked proficiency.

CLIFTON—NON-VESTED.

(Visited 23rd July, 1861.—Numbers present at Examination :—21 boys, 18 girls; total, 39.)

1. The school is held in the teacher's kitchen. The furniture and apparatus are rude and meagre; very much crowded.
2. It is impossible to preserve order under such circumstances. The children exhibit an average degree of cleanliness.
3. The teachers endeavour to teach all the subjects except object lessons. There are so many sub-divisions of classes as to reduce the teaching to individual methods.
4. The attainments are low enough to correspond with indifferent organization.

CLEVELAND STREET—VESTED.

(Visited 3rd and 4th December, 1861.—Numbers present at Examination :—169 boys, 118 girls; total, 287.)

1. The material state of this school continues to be very good.
2. The discipline is fairly satisfactory.
3. As in previous years, the course of instruction embraces elementary drawing and music, as well as the ordinary subjects.
4. Fair proficiency has been attained.

COBBITTY—NON-VESTED.

(Visited 16th July, 1861.—Numbers present at Examination :—28 boys, 29 girls; total, 57.)

1. The building is barely large enough for the attendance; it is very uncomfortable in windy weather; furniture, insufficient and unsuitable; apparatus, scanty.
2. From the crowded state of the room, proper discipline is nearly impossible. Children and school clean.
3. All the subjects required by the Table are taught. The methods are characterized by a fair amount of skill.
4. The junior classes are promising, but timid in answering. The attainments of the other classes are fair.

COLYTON—VESTED.

(Visited 11th December, 1861.—Numbers present at Examination :—16 boys, 8 girls; total, 24.)

1. The present building is understood to be only temporary; it is badly furnished, and poorly supplied with apparatus.
2. A moderate amount of order and cleanliness. The pupils are irregular, and were very unpunctual on the day of my visit.
3. All the required subjects, except object lessons, are taught. The teaching is very much of an individual character.
4. There is a great want of uniformity in the attainments in the different classes. Grammar, geography, and the explanation of reading lessons have received little attention.

FAIRY MEADOW—VESTED.

(Visited 15th March, 1861.—Numbers present at Examination :—26 boys, 32 girls; total, 58.)

1. Its material state is good. Two additional desks are much needed.
2. I have rarely seen the cleanliness and good order of this country school excelled. The moral tone is high.
3. The Table of Minimum Attainments and subjects taught agree pretty nearly. The methods employed are judicious, and calculated to develop the intelligence.
4. The proficiency ranges from very fair to good. An excellent foundation has been laid for future progress.

FIVE DOCK—NON-VESTED.

(Visited 26 November, 1861.—Numbers present at Examination :—21 boys, 15 girls; total, 36.)

1. Material state very good in all respects.
2. In general the discipline is properly attended to, but the conduct of the pupils is susceptible of improvement in some particulars.
3. The instruction, though not very skilful, is marked by considerable care and industry.
4. The proficiency is small, but not unsatisfactory, considering the circumstances of the school.

FORT-STREET (Boys)—VESTED.

(Visited 7th December, 1861.—Numbers present at Examination :—258 boys.)

1. No change has taken place during the year as regards material appliances.
2. The moral tone is, in some respects, satisfactory.
3. In addition to the ordinary subjects, elementary mathematics and the rudiments of Latin are taught to the elder boys, and vocal music and outline drawing to the whole school.
4. The proficiency of the pupils is tolerable.

FORT-STREET (Girls)—VESTED.

(Visited 5th December, 1861.—Numbers present at Examination :—186 girls.)

1. The organization of this school continues to be very complete.
2. The moral tone is greatly improved.
3. Considerable improvement has been effected in the instruction, though no new subjects have been introduced.
4. With the exception of one class, the proficiency of the pupils is good.

FORT-STREET (Infants)—VESTED.

(Visited 3rd December, 1861.—Numbers present at Examination :—150 boys, 113 girls; total, 263.)

1. With the exception of the inconvenience of the schoolroom, the material state is satisfactory.
2. The moral character is very fair.
3. The instruction continues to be appropriate.
4. For an infant school, the proficiency is very fair.

GLEDSWOOD—VESTED.

(Visited 15th July, 1861.—Numbers present at Examination :—17 boys, 23 girls; total, 40.)

1. The situation and building are good. The furniture is sufficient and suitable, and apparatus will gradually be supplied. The school has been organized only a few months.
2. The moral character of the school is in a fair way of being established on a good basis.
3. The teacher is at present giving chief attention to reading and writing.
4. The progress made is fair; from the length of time the school has been in operation, more than half the children have learned their letters in the school.

JAMBEROO—VESTED.

(Visited 27th March, 1861.—Numbers present at Examination :—22 boys, 20 girls; total, 42.)

1. The school is in a good, healthy situation, and presents a more comfortable appearance inside than many that I have visited. The furniture, books, and apparatus, are sufficient, and in good condition.
2. A creditable state of cleanliness and order pervades the school. Altogether, the moral tone is satisfactory.
3. The usual branches required by the Table are taught, and with considerable tact and ability. The teacher frequently uses the elliptic mode of examining.
4. The general proficiency averages from fair to very fair.

MARSHALL MOUNT—VESTED.

(Visited 21st March, 1861.—Numbers present at Examination :—20 boys, 29 girls; total, 49.)

1. Well built, lighted, and ventilated. A good class-room. The playground, furniture, apparatus, and books, are in good condition.
2. In this respect the school will bear fair comparison with any other in the district. There seemed to be nothing unusual in the clean and orderly state of things.
3. The Time Table is judiciously constructed in accordance with the "Table of Minimum Attainments." The teaching evinces considerable ability on the part of the teacher. This is the first school into which I have observed singing on the Tonic Sol Fa system introduced.
4. The proficiency is of an average character. In many instances the individual answers showed a fair degree of intelligence.

MOUNT GILEAD—VESTED.

(Visited 10th July, 1861.—Numbers present at Examination :—14 boys, 17 girls; total, 31.)

1. The material condition of this school is very low. There is some prospect of a new building.
2. At the same time that I cannot rank it high in this respect, it would be hardly fair to attribute the whole blame to the teacher.
3. Object lessons and geography are almost altogether neglected. Methods of teaching very inferior.
4. The attainments of the pupils are very meagre, and mental culture has received little attention.

OMEGA RETREAT—VESTED.

(Visited 28th March, 1861.—Numbers present at Examination :—25 boys, 19 girls; total, 44.)

1. When finished it will form a pleasing contrast with the generality of school buildings. There are many inexpensive articles of furniture and apparatus which, if provided, would make the teaching more effective.
2. The school is still young, and is working to establish a fair moral character.
3. The subjects are judiciously selected, and there is a thoroughness about the teaching not often seen.
4. The first class is perhaps the most intelligent and best taught that I have yet examined. In the advanced classes the children have been previously badly taught elsewhere.

PADDINGTON—VESTED.

(Visited 2nd December, 1861.—Numbers present at Examination :—86 boys, 42 girls; total, 128.)

1. As previously reported, the material condition is good.
2. The discipline is very good.
3. The instruction continues to be characterized by skill and energy.
4. The proficiency of the pupils is very good. The upper classes in particular acquit themselves extremely well under examination.

PENNANT HILLS—VESTED.

(Visited 30th September, 1861.—Numbers present at Examination :—10 boys, 19 girls; total, 29.)

1. The schoolhouse and out-buildings require some repair. The furniture, apparatus, and books are in a tolerably satisfactory condition.
2. The pupils are not regular, but of late have been punctual; they are clean in person, and decently attired, but not well conducted throughout. The moral character is in a transition stage.
3. The subjects taught accord with the Table of Minimum Attainments. The instruction is careful, but to a certain extent individual in its application.
4. In attainments, the reading, writing, and arithmetic range from fair to very fair; the oral lessons are tolerable. Considering that the master has only been in this situation for three months, considering also the difficulties he has had to withstand, he has achieved quite as much as could be hoped for under the circumstances.

PYBEE—NON-VESTED.

(Visited 18th September, 1861.—Numbers present at Examination :—10 boys, 14 girls; total, 24.)

1. This building is rudely constructed, is fenced in, and is tolerably provided with furniture books, and out-buildings; but imperfectly supplied with the necessary articles of apparatus, and not well cared for nor neatly kept.
2. During the six weeks which have elapsed since re-opening the school it has not been well attended. The children, especially the boys, are untidy, and not subdued in demeanour.
3. The subjects taught do not accord with the Table of Minimum Attainments. The instruction is desultory and unskilful. The teacher is inexperienced, and has had no training.
4. The limited knowledge possessed by the pupils extends only to reading, writing, and arithmetic, and is of a mechanical character. The mental power and observation of the children are low.

PYEMONT—NON-VESTED.

(Visited 18th September, 1861.—Numbers present at Examination :—24 boys, 22 girls; total, 46.)

1. The material state of the school is not satisfactory in any respect.
2. It also occupies a low position as regards discipline.
3. The subjects and methods of instruction are alike imperfect.
4. The proficiency of the pupils is extremely low.

PITT-STREET—NON-VESTED.

Visited 12th March, 1861.—Numbers present at Examination :—57 boys, 26 girls; total, 83.)

1. The material appliances are sufficient and suitable, with the exception of desks.
2. The moral tone is promising.
3. Suitable subjects of instruction are chosen for each class, and the methods are generally skilful and appropriate.
4. Hitherto the required standard of proficiency has not been reached.

PICTON—VESTED.

(Visited 22nd July, 1861.—Numbers present at Examination :—19 boys, 7 girls; total, 26.)

1. The schoolroom had a filthy neglected appearance; a fair supply of apparatus and furniture, but a great deficiency of books. The school records are very irregularly kept.
2. The children are unpunctual and irregular, fidgetty and talkative, and little attention is paid to order.
3. Only the ordinary subjects, and these very indifferently. There is a great want of energy.
4. The proficiency is but moderate.

RICHMOND—VESTED.

(Visited 16th August, 1861.—Numbers present at Examination :—31 boys, 9 girls; total, 40.)

1. With very slight exceptions, the material state of the school is excellent, and it exhibits a very useful model for country schools.
2. The discipline is good.
3. Both subjects and methods are judiciously chosen.
4. Considering the length of time the school has been in operation, the progress made by the pupils is satisfactory, and the upper classes in particular manifest much intelligence.

SHELLHARBOR—NON-VESTED.

(Visited 22nd March, 1861.—Numbers present at Examination :—12 boys, 7 girls; total, 19.)

1. Not much can be said in favour of the building. The furniture &c. seemed sufficient.
2. The day was one calculated to make children restless; there was, however, no disorder, and the state of cleanliness was creditable. With greater regularity of attendance, the moral tone of the school would be fair.
3. The subjects taught agree fairly with the Time Table and Table of Minimum Attainments. They appear to be carefully and soundly taught, and, I think, according to the best of the teacher's ability.
4. The answering was on the whole very fair, considering that fully half were absent, on account of the wetness of the day.

SMITHFIELD—VESTED.

(Visited 20th August, 1861.—Numbers present at Examination :—24 boys, 17 girls; total, 41.)

1. The school buildings need repair, and the stock of apparatus is deficient; otherwise the material state is tolerably good.
2. A striking alteration has been effected in the moral character of the school, and the appearance and conduct of the pupils are now very pleasing.
3. The instruction is now much more effective than formerly.
4. The proficiency is tolerable; the elder pupils exhibit considerable intelligence, and answer with spirit.

ST. MARY'S—NON-VESTED.

(Visited 8th March, 1861.—Numbers present at Examination :—11 boys, 7 girls; total, 18.)

1. Situated rather out of the centre of the population. The furniture is unsuitable and badly arranged, and the apparatus is limited; no playground.
2. The children, with one or two exceptions, are clean, tidy, and quiet, but very irregular and unpunctual.
3. The subjects taught do not come up to the requirements of the Table, nor does the Time Table agree with the Board's Regulations. The methods employed are defective.
4. The proficiency is indeed very small; in no subject is it worthy of favourable notice.

VIOLET HILL—VESTED.

(Visited 18th March, 1861.—Numbers present at Examination :—12 boys, 22 girls; total, 34.)

1. The buildings, out-offices, fences, and furniture, are all in a fair state of preservation. A black board, table, and book-press are much required.

2. The school stands well in this respect,—cleanliness and order are attended to by the children and in the schoolroom.
3. In addition to the usual subjects, which are taught with fair success, the teacher gives his attention to music. Some of the children show no little skill in reading it. The attempts at elementary drawing are very feeble.
4. I consider the proficiency to be fair to very fair.

WESTBROOK—VESTED.

(Visited 18th July, 1861.—Numbers present at Examination:—26 boys, 18 girls; total, 44.)

1. The schoolroom requires to be aired. The furniture and apparatus are barely sufficient, but in good condition. A deficiency of First Books, but there are Tablets.
2. The children are extremely noisy and rude in manner, awkward and unintelligent in appearance.
3. The ordinary subjects are taught by very ineffective methods.
4. The attainments are moderate in extent. There is a great disparity in the amount of arithmetic taught to each class.

WILLIAM-STREET—(Boys)—VESTED.

(Visited 9th December, 1861.—Numbers present at Examination:—209 boys.)

1. The school is well furnished with necessary appliances.
2. The discipline is very good.
3. The teaching is as effective as in previous years.
4. Satisfactory progress has been made during the year.

WILLIAM-STREET—(Girls.)

(Visited 6th December, 1861.—Present—117 girls.)

1. The material state is very good.
2. The discipline continues to be satisfactory.
3. No material change has been made in the instruction.
4. The proficiency is not so great as usual, but the present teachers are not in any way to blame for this circumstance.

WILLIAM-STREET—(Infants).

(Visited 5th December, 1861.—Present:—142 boys, 98 girls; total, 240.)

1. As in former years, the material condition is good.
2. Discipline good for an infant school.
3. The instruction is characterized by fair skill and effectiveness.
4. The proficiency is as good as could be expected.

WOLLONGONG—(Boys)—VESTED.

(Visited 13th December, 1861.—Present—57 boys.)

1. The site and material condition generally are fair. Well supplied with books, furniture, and apparatus. Shades of buff are objectionable for the walls of schoolrooms.
2. I had reason to be pleased with the orderly bearing and cleanliness of the pupils; they are not so punctual as they might be. The moral tone of the school is fair.
3. All the usual subjects are included in the course of instruction. Arithmetic ought to receive more attention.
4. The general proficiency of the pupils may be considered fair to very fair.

WOLLONGONG (Girls)—VESTED.

(Visited 12th March, 1861.—Present—31 girls.)

1. The material condition is fair; some slight repairs are necessary.
2. The school exhibits a fair moral aspect. The order and cleanliness are very pleasing.
3. The subjects taught do not in every case accord with the required standard for every class. Fair skill is shewn in the teaching of some of the branches.
4. The proficiency of the children is tolerable; the answering is more respectable in the highest class.

WOLLONGONG (Infants)—VESTED.

(Visited 14th March, 1861.—Numbers present at Examination:—14 boys, 18 girls; total, 32.)

1. This is merely a portion of the girls' school partitioned off, and therefore not very suitable. Fairly supplied with appliances.
2. The teacher deserves considerable credit for the cleanliness, order, and attention exhibited by the children.
3. The ordinary subjects are fairly taught, varied by interesting lessons on animals, easy Scripture history, &c. The instruction is chiefly simultaneous, with elliptic interrogation.
4. The proficiency of the elder children is fair.

NORTHERN DISTRICT.

ADERGLASSLYN—VESTED.

(Visited 22nd May, 1861.—Numbers present at Examination:—16 boys, 18 girls; total, 34.)

1. This is a substantial slab building, nearly new, and favourably situated. The ground is properly inclosed and provided with out-buildings. The furniture, apparatus, books, and records, are sufficient in quantity and in good condition.
2. The children are tolerably regular, and in general punctual. They are clean, neatly dressed, orderly, and attentive.

3. The subjects taught are those required by the Table of Minimum Attainments, and the methods employed are judicious.

4. The attainments of the first class may be considered very fair; those of the second and sequel classes as ranging from fair to very fair. Reading, grammar, and arithmetic are the best subjects, and the general intelligence of the pupils has improved considerably since the previous year. The Patrons are attentive to their duties.

BENDOERA—VESTED.

(Visited 30th May, 1861.—Numbers present at Examination:—10 boys, 20 girls; total, 30.)

1. This is a slab building, in tolerable repair, and well enclosed, but not provided with out-buildings. The furniture, apparatus, and books are almost sufficient for ordinary wants, and in very fair condition.

2. The discipline throughout is much less satisfactory than at former visits. The school has lately been re-opened on the arrival of new teachers. At a later visit, the moral tone had greatly improved, except in punctuality and regularity.

3. The subjects taught are those required by the Board's regulations. The instruction is defective in tact and in earnestness.

4. The only subjects of which a knowledge seems to be possessed by the pupils are reading and writing. Grammar, geography, and arithmetical notation are in a low state. The school at this date had not been long in operation, but at a later visit, five months afterwards, little improvement could be discerned.

BISHOP'S BRIDGE—NON-VESTED.

(Visited 2nd May, 1861.—Numbers present at Examination:—6 boys, 7 girls; total, 13.)

1. This school was tolerably well supplied with furniture, apparatus, and books; but the building was so bad as to be untenable, and no efforts being made to secure the erection of a better one, the place had to be abandoned and the teacher removed.

2. Regularity and punctuality were unknown. The order of the school, the cleanliness and general demeanour of the pupils were tolerably satisfactory.

3. The subjects taught were appropriate. The instruction was unskilful, and not well studied.

4. In the subjects of reading, writing, and arithmetic, the children had made fair progress; but in the other branches their ideas were too mechanical to serve any useful mental purpose. One patron has been very attentive to the school.

BOLWARRA—VESTED.

(Visited 5th December, 1861.—Numbers present at Examination:—15 boys, 16 girls; total, 31.)

1. The original school-house has been restored to a complete state of repair. It is enclosed, and supplied with the necessary out-buildings, furniture, apparatus, and books.

2. Except at seasons when the older children are not occupied with field work, the pupils cannot be considered regular. Of late, they have been more punctual than formerly. They are clean, but not generally neat in person. They are decently dressed and behave with propriety.

3. The instruction is modern in character, and judiciously arranged. The teacher has been lately appointed.

4. The state of the attainments is less favourable than at the middle of the year; but on the whole may be considered fair. The children are bashful, think slowly, and show little self-reliance.

BROOKFIELD—VESTED.

(Visited 6th August, 1861.—Numbers present at Examination:—21 boys, 23 girls; total, 44.)

1. This is a suitable building, in good repair, well enclosed, and properly supplied with out-buildings and water. The furniture, apparatus, and books are sufficient, and in good preservation.

2. The punctuality is tolerable, and the regularity fair. The pupils are clean and orderly. The moral tone is healthy.

3. The instruction is modern, judicious, and well regulated.

4. With slight exceptions in the cases of reading, writing, and Scripture, the general range of attainments is very fair. Indeed, considering the time the pupils have been classified, and their general intelligence, there is much ground for satisfaction.

The patrons are tolerably attentive.

CLARENCE TOWN—VESTED.

(Visited 12th August, 1861.—Numbers present at Examination:—23 boys, 14 girls; total, 42.)

1. This is a good building. The whole premises have lately been repaired, and the school-room is, in nearly every sense, very suitably appointed.

2. The pupils are moderately regular, but in general, punctual. They are clean, neatly dressed, but not orderly. The moral tone is somewhat defective.

3. The subjects taught agree with the Table of Minimum Attainments. The instruction is fair.

4. The teacher has lately been appointed. Since the date of re-opening the school a fair degree of proficiency has been attained. Some of the older pupils are well advanced; but a considerable number are indisposed to mental exertion.

COORUMBOONG—NON-VESTED.

(Opened 25th November, 1861.—Numbers present for the week:—22 boys, 16 girls; total, 38.)

1. The building is favourably situated—new and well constructed, but not fenced in. The furniture, apparatus, and books are new and sufficient for present wants.

2. The teachers had not arrived at the date of the Inspector's visit; but the business of the school was commenced almost immediately after, yet late in the year to effect much progress.

DUNGOG—VESTED.

(Visited 28th May, 1861.—Numbers present at Examination :—16 boys, 34 girls; total, 50.)

1. Little can be said in favour of this building; it has been previously described. Measures are in progress for the erection of a proper school-house. The supply of furniture, apparatus, and books is satisfactory.

2. The children are irregular, and not punctual; they are clean, and tolerably well dressed; but want steady application to work. The moral tone is defective.

3. The subjects taught agree with the Table of Minimum Attainments. The instruction is conducted with regularity and care.

4. The attainments are lower than the length of time the pupils have been classified would warrant us to expect. Occasionally, as in the reading, the limit of proficiency is very fair; but in general, and especially in the oral lessons, it is tolerable. The pupils think slowly, and do not answer with alacrity.

The patrons are attentive to the duties of the school.

DUNMORE—VESTED.

(Visited 23rd October, 1861.—Numbers present at Examination :—19 boys, 26 girls; total, 45.)

1. This building is in fair condition, and is tolerably well supplied with out-buildings, furniture, apparatus, and books.

2. The children are irregular, but reasonably punctual, clean in person, and decently attired. The order is indifferent, and the moral tone low. The government wants vigilance.

3. The subjects taught are those prescribed; but suggestive instruction is used to an excessive and encraving degree.

4. In attainments, the first class pupils are fair; the second range from fair to tolerable; while the third class can only be regarded as tolerable. Mental inertia and the absence of self reliance are distinguishing features in these children.

ELLALONG—NON-VESTED.

(Visited 11th October, 1861.—Numbers present at Examination :—17 boys, 16 girls; total, 33.)

1. These premises are in tolerable repair; they are used temporarily. The furniture, apparatus, and books are sufficient for present wants, and in very fair condition.

2. In general the pupils are irregular, but reasonably punctual; they are clean, decently attired, orderly, and attentive.

3. The subjects of instruction accord with the Table of Minimum Attainments. The teaching is conducted with fair judgment.

4. In attainments, the first class may be considered tolerable; the second and sequel class pupils fair, as a whole. The fact that the children had only been for the previous two months in regular attendance, accounts for the absence of a higher degree of proficiency.

FALBROOK—VESTED.

(Visited 24th June, 1861.—Numbers present at Examination :—16 boys, 13 girls; total, 29.)

1. The land is properly enclosed; the school-house is in good repair, and is tolerably well supplied with the more necessary articles of furniture and apparatus.

2. In general the children are irregular, and not punctual; though clean and decently attired, they are restless, inattentive, and, in some cases, not obedient.

3. The subjects taught are those required by the Table of Minimum Attainments. The instruction is conducted with moderate skill.

4. In attainments, the pupils of the sequel class may be considered tolerable; those of the second range from fair to very fair; while those of the first class will rank as fair upon the whole. Generally speaking these children are intelligent and industrious. The present teacher had not been long in office.

FISHERY CREEK—VESTED.

(Visited 19th August, 1861, and 14th November, 1861.—Numbers present at Examination :—10 boys, 13 girls; total, 23.)

1. This is a good building, well enclosed, and very fairly supplied with the requisite out-buildings, furniture, apparatus, and books.

2. Successive floods around have frequently interrupted the operations of this school, and have produced irregularity, as well as want of punctuality. The children are clean, properly dressed, and behave with propriety. The moral tone is very fair.

3. The subjects taught are appropriate, and the methods employed are judicious.

4. In general, the older pupils show to greater advantage in examination than the younger classes. This is especially the case in reading, grammar, arithmetic, and geography. The attainments of the first and third classes are very fair, while those of the second are fair. These children sing with a pleasing effect. A few are acquainted with the art of map drawing.

FOUR MILE CREEK—VESTED.

(Visited 7th November, 1861.—Numbers present at Examination :—12 boys, 15 girls; total, 27.)

1. The schoolhouse is in fair order, and well cared for, but is not properly enclosed. The furniture, apparatus, and books are sufficient and in fair condition.

2. The children are irregular, and seldom punctual. They are clean, decently clothed, and behave with propriety. The moral tone is in general satisfactory.

3. The subjects taught are those prescribed in the Table of Minimum Attainments. The instruction is to a large extent individual, but conducted with attention.

4. The first class pupils have made fair progress. Those of the second class range from fair to very fair. The children of the higher class show a fair degree of proficiency.

GLENWILLIAM—VESTED.

(Visited 7th August, 1861, and 21st November, 1861.—Numbers present at Examination:—16 boys, 19 girls; total, 35.)

1. This is a very good schoolroom, and on the whole well appointed as regards furniture, apparatus, and books. The ground is not enclosed.
2. The excessive rains and river floods in this locality have caused much irregularity and want of punctuality. The pupils are clean, neat, and subdued in demeanour.
3. The instruction is modern, and well arranged, but vitiated by the abuse of simultaneous and suggestive questioning.
4. The proficiency of the pupils ranges from the limit of fair to that of very fair. They think slowly, and answer reluctantly, but are in general attentive.

GOSFORTH—VESTED.

(Visited 21st October, 1861.—Numbers present at Examination:—17 boys, 15 girls; total, 32.)

1. The school building is in tolerable repair, but is unprovided with proper fences and out-buildings. The furniture, apparatus, and books are sufficient, and in fair preservation.
2. Of late the pupils have been more regular and punctual. No fault can be found with the cleanliness, dress of the children, or order. The moral tone is fair.
3. The subjects taught are appropriate; and in the case of the older pupils the instruction is judicious.
4. The proficiency of the two upper classes is very fair, and in some subjects good. The attainments of the younger children are only tolerable. They do not well sustain examination. The writing is the worst subject.

HINTON—VESTED.

(Visited 27th November, 1861.—Numbers present at Examination:—13 boys, 20 girls; total, 33.)

1. The school building is slightly in want of repair, is properly enclosed, with out-buildings and a supply of water. The furniture, apparatus, and books are sufficient and suitable.
2. The children are regular, but very far from punctual. They are clean, well dressed, and though in general orderly, are not, strictly speaking, attentive, nor composed in demeanour.
3. The instruction is regulated by the Table of Minimum Attainments. The methods want study and earnestness rather than skill.
4. The attainments of the first class pupils are tolerable, those of the third fair, while the proficiency of the second ranges from fair to very fair. These children think slowly, and are disinclined to mental exertion.

IONA—VESTED.

(Visited 28th November, 1861.—Numbers present at Examination:—22 boys, 23 girls; total, 45.)

1. This is a slab building, imperfectly finished, and somewhat comfortless. It is partially enclosed and supplied with out-buildings. The furniture, apparatus, and books are in tolerable preservation.
2. A very decided improvement has taken place in the punctuality, regularity, order, and appearance of the pupils. Their demeanour is extremely gratifying, and the moral tone may be called good.
3. The instruction is regulated by the Table of Minimum Attainments. The teaching is conducted with earnestness and judgment.
4. In attainments, the first class pupils are very fair, the second range from fair to very fair, and the sequel from tolerable to fair. The children answer with much readiness and intelligence. The present teachers have only been five months in office; and it is due to them to say, that while the difficulties they have had to contend against, were great, they have done much towards transforming the school for the better.

LOCHINVAR—NON-VESTED.

(Visited 1st May, 1861.—Numbers present at Examination:—33 boys, 24 girls; total, 57.)

1. This is a good building, newly erected, but already becoming too small for the wants of the village. The furniture, apparatus, and books are sufficient and suitable.
2. The pupils are regular, punctual, clean, and for the most part, orderly. The moral tone is promising.
3. The subjects taught, are those prescribed. The instruction is conducted with judgment and earnestness.
4. The school has been but a short time re-opened, and the proficiency is as high as could reasonably be expected in the time. As far as the attainments extend, the knowledge gained is well-grounded. The mental capacity of the pupils is fair; and the field of operation a promising one in point of intelligence.

MACDONALD RIVER—VESTED.

(Visited 13th May, 1861.—Numbers present at Examination:—8 boys, 11 girls; total, 19.)

1. These premises are in tolerable repair, and properly kept. The furniture, apparatus, and books are nearly sufficient, and in fair condition.
2. From the lack of proper public interest in this school, the attendance has fallen away. The pupils present are regular, punctual, clean, and orderly. The moral tone is tolerably good.
3. The subjects taught accord with the Table of Minimum Attainments. The instruction is careful, and except in the oral lessons, judicious.
4. In attainments, the subjects of reading, grammar, arithmetic, and scripture are generally very fair. Writing is fair, and geography tolerable. The pupils are attentive and willing to learn.

MANGROVE—NON-VESTED.

(Visited 7th October, 1861.—Numbers present at Examination:—9 boys, 14 girls; total, 23.)

1. This is a newly-erected weatherboard building, having a tolerable supply of furniture, apparatus, and books, but destitute of fencing and out-buildings.
2. The attendance is small, but likely to increase. The children are regular, punctual, clean, neat in person, and subdued in demeanour, but bashful from seldom seeing strangers.

3. The subjects taught agree with the Table of Minimum Attainments. The instruction is, to a considerable extent, individual.

4. Considering the time in school, the attainments are fair. The subjects of reading, writing, and arithmetic, are most advanced. The geography is low, and the progress made in grammar limited. The pupils have little idea of collective action.

MERRIWA—VESTED.

(Visited 20th June, 1861.—Numbers present at Examination:—17 boys, 16 girls; total, 33.)

1. This building stands in need of certain repairs, but the property, upon the whole, is well cared for. The furniture, apparatus, and books are sufficient in quantity and in fair condition.

2. The moral tone is not satisfactory. The regularity and punctuality are not what could be desired. The pupils are clean, properly dressed, and orderly in general, but make unnecessary noise when at work, and care little about following the examiner with attention.

3. The subjects taught are those required in the Table of Minimum Attainments. The instruction is modern in form, but scarcely so in spirit.

4. In reading, Scripture, and object lessons, the attainments (as far as examined) are tolerably satisfactory. The writing also deserves commendation. The grammar may be considered fair, the arithmetic tolerable, and the geographical knowledge vague. The pupils fail in sustained attention and in reasonable mental effort.

MINMI—NON-VESTED.

(Visited 3rd December, 1861.—Numbers present at Examination:—46 boys, 35 girls; total, 81.)

1. This is a good brick building, newly erected, and well supplied with furniture, but neither enclosed nor provided with out-buildings. The apparatus and books are sufficient for present wants.

2. The pupils are chiefly young children. They are regular, but not punctual. They are clean and decently dressed, but not neat in person throughout. Too much noise pervades the school business.

3. The instruction is regulated by the Table of Minimum Attainments. The teacher has lately been appointed and wants experience.

4. As the school had been closed for three months previously, a high degree of proficiency was scarcely to be expected. The first class can read easy monosyllables, and the second have made very fair progress in reading, writing, and arithmetic. In geography and grammar, the pupils are only tolerable.

MOSQUITO ISLAND—NON-VESTED.

(Visited 23rd April, 1861.—Numbers present at Examination:—13 boys, 18 girls; total, 31.)

1. The building is in fair condition, but too small. The furniture, apparatus, and books are sufficient in quantity and properly kept.

2. The pupils are regular, punctual, clean, and neat. Their attention and obedience speak favourably for the teacher's care.

3. The subjects taught agree with the Table of Minimum Attainments. The instruction is very earnest and careful, though to some extent individual.

4. Considering the time during which the present teacher has had charge of the school, the proficiency is extremely satisfactory. A decided improvement is perceptible in the subjects of reading, writing, arithmetic, and grammar, as well as in the general aspect of the whole school.

The teacher has since died.

NELSON'S PLAINS—VESTED.

(Visited 31st October, 1861.—Numbers present at Examination:—12 boys, 17 girls; total, 29.)

1. This school is inconveniently situated, and although not in satisfactory repair, is scarce worthy of much outlay. The furniture, apparatus, and books are sufficient, suitable, and in very fair condition.

2. The pupils are irregular, but in general punctual. They are clean, decently attired, and orderly; but mentally inert, and careless of sustained attention.

3. The subjects taught are appropriate; and the methods are judiciously chosen, but require to be used with greater vigour.

4. The third class pupils pass a very fair examination. Those of the sequel class may be considered fair, while the two lower classes range from the limit of fair to that of very fair. The mental capacity is tolerable. Reading, grammar, and Scripture are the best subjects; but on the whole the children have been long enough classified to do better.

NEWCASTLE—NON-VESTED.

(Visited 30th July, 1861.—Numbers present at Examination:—18 boys, 8 girls; total, 26.)

1. Pending arrangements for the erection of a vested school, the same premises are occupied as formerly. They are in good repair, but unsuitable. The furniture, apparatus, and books are sufficient and in fair condition.

2. The irregularity is excessive, and the punctuality indifferent. The pupils are clean and properly attired; and although not disorderly, their demeanour is unprepossessing. The moral tone is low.

3. The subjects taught agree with the Table of Minimum Attainments. The methods are reasonably well chosen, but want penetrative force and searching examination.

4. I observe no improvement in the third class for the past six months. In attainments the second class are barely tolerable, while those of that part of the first class present can only be considered tolerable. The difficulty of obtaining rational, or ready replies, is much greater than is usually met with.

PARADING GROUND—VESTED.

(Visited 29th October, 1861.—Numbers present at Examination :—6 boys, 12 girls; total, 18.)

1. With the exception of some repairs necessary in the flooring, the school, with its fences, out-buildings, furniture, apparatus, and books is in good condition.
2. Excessive rains, in a swampy country, have led to great irregularity and want of punctuality in the attendance. The pupils present are clean, neatly dressed, orderly, and obedient.
3. The subjects taught agree with the Table of Minimum Attainments. The instruction is conducted with judgment and care.
4. In reading, writing, and grammar the proficiency is very fair; in arithmetic, good; and in the other subjects it ranges from tolerable to fair. The mental capacity is fair upon the whole.

PITT TOWN—NON-VESTED.

(Visited 2nd December, 1861.—Numbers present at Examination :—64 boys, 60 girls; total, 124.)

1. The building is in good repair. It is not enclosed, but is supplied with out-buildings. The furniture, apparatus, and books are sufficient in quantity, suitable, and well kept.
2. In general, the pupils are regular and punctual, tolerably clean, and decently clothed. The order is fair, and the moral tone tolerable.
3. The subjects taught are those prescribed in the Table of Minimum Attainments. The instruction is conducted with earnestness and care.
4. The attainments in reading and Scripture are fair; in grammar and arithmetic, very fair; in writing, tolerable; in geography and other subjects, fair. The attention is tolerable, and the mental capacity moderate.

RAYMOND TERRACE—NON-VESTED.

(Visited 28th October, 1861.—Numbers present at Examination :—18 boys, 22 girls; total, 40.)

1. The ground is not enclosed. Otherwise, the condition of the schoolhouse, out-buildings, furniture, apparatus, and books is tolerably satisfactory.
2. The pupils are regular and punctual, clean in person, and becomingly attired. The order is very fair, and the general demeanour of the children pleasing.
3. The subjects taught are appropriate, and agree with the Table of Minimum Attainments. The instruction is tolerably skilful, but inclines unduly to suggestive methods.
4. In attainments, the reading and arithmetic are very fair; the geography, fair; object lessons and writing, tolerable; the grammar, moderate. Except in the case of the third class pupils, the mental power is inconsiderable.

SEAHAM—VESTED.

(Visited 5th July, 1861.—Numbers present at Examination :—10 boys, 13 girls; total, 23.)

1. The ground is enclosed. The schoolhouse and out-buildings are in good repair. The furniture, apparatus, and books are suitable and good.
2. It is only during the latter months of the year that any attention is paid to regularity. The children are not punctual, but are clean, properly attired, and subdued in demeanour.
3. The subjects taught are appropriate. The instruction is skilful.
4. The attainments of the first class pupils are very fair; those of the other classes range from fair to very fair. The subjects of reading, grammar, and arithmetic merit commendation. The mental capacity, on the whole, is fair. One-third of the usual number in attendance was kept away by floods.

The patrons of this school take much interest in its welfare.

SINGLETON—VESTED.

(Visited 12th December, 1861.—Numbers present at Examination :—49 boys, 20 girls; total, 69.)

1. The schoolhouse, fences, and out-buildings are in good condition. The furniture, apparatus, and books are sufficient and suitable. The material state is satisfactory.
2. The children are tolerably regular. They are punctual, clean, and properly attired. The order and moral tone are very fair.
3. The subjects of instruction are those required by the regulations. The methods employed are appropriate and are used with skill.
4. In nearly all subjects the pupils have made very fair progress, but especially so in grammar and arithmetic. The mental power is fair and full of promise.

The patrons take considerable interest in the welfare of the school.

STANHOPE—VESTED.

(Visited 23rd July, 1861.—Numbers present at Examination :—12 boys, 11 girls; total, 23.)

1. The school-building, fences, and out-buildings are in tolerable repair. The furniture, apparatus, and books are scarcely sufficient, though suitable and in fair preservation.
2. Only in the later or "leisure" period of the year are the pupils regular; but they are usually punctual. They are clean, dressed with care, attentive, and obedient.
3. The subjects taught are those required by the standard. The instruction is managed with attention, but is mechanical and deficient in vigour.
4. The attainments of the first class may be considered fair; of the second class, tolerable; of the sequel, tolerable to fair. The mental power is small. The patrons are generally attentive.

STOCKTON—NON-VESTED.

(Visited 29th August, 1861.—Numbers present at Examination :—17 boys, 10 girls; total, 27.)

1. The material arrangements of this school are unsatisfactory, but they are regarded only as a temporary resource, until better premises can be erected.
2. The pupils are irregular, and not punctual. The cleanliness, order, and general bearing of the children are tolerably satisfactory.
3. In most subjects the guidance of the Table of Minimum Attainments has been followed. The skill employed is moderate. The teacher has since been trained.
4. Compared with the usual standard, the first class pupils' attainments are fair; the second, moderate; and the sequel, tolerable. Reading is perhaps the only subject meriting attention; the others are in a crude state.

SUGAR LOAF—VESTED.

(Visited 11th November, 1861.—Numbers present at Examination :—12 boys, 11 girls; total, 23.)

1. The ground is properly enclosed, and the school premises are generally in fair order; the furniture, apparatus, and books are in a satisfactory condition.
2. The regularity is bad, and the punctuality only tolerable. Although clean, decently attired, and in general orderly, the pupils are low in attention.
3. The Table of Minimum Attainments is the guide in regulating the instruction. The teaching is patient, and even careful, but wants vivacity.
4. The attainments may be thus represented—those of the first class children are tolerable; of the second class, very fair; of the remaining pupils, tolerable to fair. They think slowly, and make little effort.

TILIMBY—NON-VESTED.

(Visited 16th July, 1861.—Numbers present at Examination :—11 boys, 11 girls; total, 22.)

1. The school premises are in a tolerable state of repair; the furniture, apparatus, and books are sufficient in quantity, and in good preservation.
2. The punctuality is tolerable, and the regularity bad. The children are clean, becomingly dressed, and more orderly than heretofore.
3. The instruction is regulated by the Table of Minimum Attainments, but the methods employed are defective.
4. The first class pupils read fairly, and write tolerably; those of the second class read very fairly, and write tolerably; in other subjects the knowledge is moderate. With the exception of a few of the older children, I find the scholars deficient in reasonable attention, in application, and in mental power.

TOMAGO—VESTED.

(Visited 30th October, 1861.—Numbers present at Examination :—19 boys, 24 girls; total, 43.)

1. The school premises need repair; the furniture, apparatus, and books, are sufficient, suitable, and in fair condition.
2. The pupils are tolerably regular, but not in general punctual. They are clean, well dressed, attentive, and behave with much propriety.
3. The subjects taught are those prescribed. The instruction is earnest and careful.
4. The range of proficiency acquired by the third class is good; by the sequel class, very fair; by the second and first, fair as a whole. The older pupils are modest, animated, and for their age very intelligent. This school is very well supervised locally.

VACT—NON-VESTED.

(Visited 16th July, 1861.—Numbers present at Examination :—14 boys, 14 girls; total, 28.)

1. The school buildings are in fair condition, but the furniture is unsuitable, and the apparatus barely sufficient; the supply of books is good.
2. The pupils fluctuate greatly in their attendance, but are tolerably punctual. They are clean, well dressed, and orderly. The moral tone has improved.
3. In most subjects the Table of Minimum Attainments has been followed. The teaching shows more skill, but it wants earnestness.
4. Except in the case of reading, much of the knowledge is below the required limit; the attainments of the first class are tolerable; of the second, tolerable; and of the sequel, fair on the whole. For the time classified, the pupils are low in sustained attention and in mental power.

WALLALONG—VESTED.

(Visited 22nd October, 1861.—Numbers present at Examination :—26 boys, 23 girls; total, 49.)

1. This is an entirely new building, favourably situated, partially enclosed, and provided with outbuildings. The furniture, apparatus, and books are new, suitable, and nearly sufficient for every purpose.
2. Hitherto, the school has been well attended. The children are punctual, clean, and becomingly dressed. The discipline is in a transition stage, and the order far from perfect.
3. The subjects taught agree with the Table of Minimum Attainments. The methods of instruction are fairly chosen, but in development want impressiveness and precision.
4. The school has been but five months in operation, and from the inattention and bashfulness of the pupils, as well as the absence of searching examination in teaching, the work of inspection is extremely difficult. Reading, writing, and arithmetic appear to be the only subjects in which even slight advance has been gained.

WARATAH—NON-VESTED.

(Visited 31st July, 1861.—Numbers present at Examination :—20 boys, 29 girls; total, 49.)

1. With some slight exceptions, the material condition of this school is fair, considering the circumstances of the locality.
2. Usually the children are regular in attendance, punctual, clean in person, and neatly clothed. The order is good, and the general demeanour gratifying.
3. The subjects of instruction are those required by the Table of Minimum Attainments. The methods are judicious, and carefully employed.
4. Considering the time classified, the attainments of the sequel class pupils are good; those of the second are very fair; and of the first class, fair on the whole. The older scholars are intelligent and attentive. Their mental power is very fair.

WAREWORTH—NON-VESTED.

(Visited 17th June, 1861.)

1. This school was in operation during the first quarter of the year, but was closed in March, owing to the sudden departure of the teacher, and to the difficulty of procuring suitable buildings.
2. In the month of June an effort was again made to commence work, but the slow progress made towards the erection of the new structure, and the impossibility of obtaining temporary premises, rendered it desirable to discontinue the aid granted, until the necessary conditions could be met by the people.

WOLLOMBI—

WOLLOMEI—VESTED.

(Visited 9th October, 1861.—Numbers present at Examination :—33 boys, 44 girls; total, 82.)

1. The material condition and general keeping of the buildings, of the fences, furniture, apparatus, and records, are satisfactory.
2. The regularity is fair and the punctuality very good. The pupils are clean, decently attired, attentive, and orderly. The moral tone is good.
3. The subjects taught accord with the Table of Minimum Attainments. The instruction is earnest and skilful.
4. In attainments, the first class pupils may be considered very fair, and the second fair. The sequel class range from the limit of fair, to that of very fair; while the third and fourth classes are relatively parallel in proficiency, and range from fair to good. The degree of intelligence is above the average mark. The older pupils have made considerable advance in the elements of geometry and algebra.

The local patrons are an attentive, and I may add, an exemplary body.

SUB-NORTHERN DISTRICT.

ARMIDALE—NON-VESTED.

(Visited 12th August, 1861.—Number of pupils present at Examination :—16 boys, 15 girls; total, 31.)

1. The buildings and grounds are fairly suitable, and the school is well supplied with furniture, apparatus, and books.
2. The pupils are punctual and regular in attendance, clean and decently dressed, orderly, and well-conducted.
3. The subjects taught agree with the Table of Minimum Attainments, and the methods of instruction are apparently judicious, and adapted to the ages and capacities of the pupils.
4. This school had been in operation only a few weeks at the date of inspection. The attainments of the pupils are very elementary.

BENDEMEER—VESTED.

(Visited 28th August, 1861.—Numbers present at Examination :—8 boys, 10 girls; total, 18.)

1. This is a new building. It is well supplied with furniture, apparatus, and books. The material condition is, in general, satisfactory.
2. The pupils are tolerably punctual, and regular in attendance. They are clean, decently dressed, and orderly. Their demeanour and conduct are well regulated.
3. The subjects taught are appropriate. The methods of instruction are fairly skilful and judicious, but greater energy is required on the part of the teacher.
4. The reading is indifferent, but, on the whole, the attainments of the pupils may be regarded as tolerably satisfactory. The institution has been only eight months in operation.

BALLINA—NON-VESTED.

(Visited 24th December, 1861.—Numbers present at Examination :—15 boys, 20 girls; total, 35.)

1. This school is held in temporary premises, but new buildings are in course of erection. The furniture, apparatus, and books, are sufficient in quantity, and in good condition. The classification is defective.
2. Considering the short time the pupils have been under discipline, the moral character of the school is tolerably satisfactory.
3. The ordinary subjects have not, in every respect, been introduced in accordance with the requirements of the Table of Minimum Attainments. As regards the suitability of the methods of instruction in use, no decisive opinion can at present be given.
4. This school has been only a few months in operation. The proficiency of the pupils is very small.

BOW BOW CREEK—NON-VESTED.

(Visited 24th November, 1861.—Numbers present at Examination :—18 boys, 10 girls; total, 28.)

1. This building is substantial, and fairly suitable for the purpose of teaching. The furniture and apparatus are in fair condition, and sufficient for present use. An additional supply of books is required.
2. The pupils are punctual, and tolerably regular in attendance. They are clean, decently clad, orderly, and well-conducted.
3. The subjects taught are suitable, but the methods of instruction are, in some instances, obsolete.
4. The progress of the pupils is fair for the short time the school has been in operation.

CASINO—NON-VESTED.

(Visited 20th December, 1861.—Numbers present at Examination :—15 boys, 17 girls; total, 32.)

1. This school is held in temporary premises. The schoolroom is too small, but it is well supplied with furniture, apparatus, and books. The classification is defective. Excellent buildings are in course of erection.
2. The cleanliness, order, and conduct of the pupils are tolerably satisfactory. They are punctual and regular in attendance.
3. The subjects of instruction do not fully agree with those prescribed by the Commissioners. As regards the methods in use they are, in some cases, obsolete, and in general not satisfactory.
4. The proficiency of the pupils is barely tolerable. The school has been in operation only nine months.

CUNDLETOWN—VESTED.

(Visited 15th April, 1861.—Numbers present at Examination :—30 boys, 20 girls ; total, 50.)

1. The schoolhouse, outbuildings, and fences are in good condition. The furniture, apparatus, and books are in a proper state of preservation. The buildings have been lately painted, and the grounds are in good order.

2. The moral character of the school is satisfactory.

3. The subjects of instruction are appropriate, and the methods are characterized by energy and skill.

4. The proficiency of the pupils is very fair, and their mental faculties are well developed.

FREDERICKTON—NON-VESTED.

(Visited 31st August, 1861.—Numbers present at Examination :—13 boys, 24 girls ; total, 37.)

1. With the exception of some additional furniture and apparatus required, the material state of this school is tolerably good. The classification is defective.

2. The children are punctual and tolerably regular in attendance, except during the time of planting maize. They are clean, decently clad, well conducted, but very bashful.

3. The subjects attempted to be taught are appropriate, but the methods of instruction are not characterized by professional skill.

4. This school has been but a short time in operation, and the attainments of the pupils are very elementary.

GRAPTON—VESTED.

(Visited 16th December, 1861.—Numbers present at Examination :—69 boys, 32 girls ; total, 101.)

1. Owing to the increase of population and the extension of the town in a northerly direction, the school buildings are not sufficiently large nor central. They have been repaired and painted during the year, and the old stock of books, which is much worn, has been partially replaced.

2. The pupils, generally speaking, are more punctual and regular in attendance than last year. They are clean, decently clad, and tolerably orderly, considering that two-thirds of the pupils have been lately admitted.

3. The subjects taught are appropriate, and the methods of instruction are of a superior character, but they are better adapted to the capacities of more advanced pupils than the junior classes.

4. Considering the previous backward condition of the school, the number of pupils lately admitted, and that the present teacher has been but recently appointed, the progress of the scholars may be regarded as fair.

GHINNI GHINNI—NON-VESTED.

(Visited 11th November, 1861.—Numbers present at Examination :—25 boys, 36 girls ; total, 61.)

1. Some additional furniture and apparatus are required, but in other respects the material condition of the school is tolerably good.

2. The pupils are reasonably punctual and regular in attendance. They are orderly, tolerably clean, and well conducted.

3. The subjects of instruction are selected with considerable skill, and the methods are fairly judicious.

4. The scholars have made fair progress for the short time the school has been in operation.

KEMPSEY—NON-VESTED.

(Visited 27th March, 1861.—Numbers present at Examination :—20 boys, 20 girls ; total, 40.)

1. The schoolhouse is too small, and the supply of furniture and apparatus is not quite sufficient.

2. On the whole the pupils are punctual and regular in attendance. The cleanliness, order, and behaviour are tolerably satisfactory.

3. Some necessary subjects have been omitted from the course of instruction. The methods are not very suitable.

4. This school has been in operation about a year. The attainments of the pupils are very meagre.

MONKERAI—NON-VESTED.

(Visited 7th May, 1861.—Numbers present at Examination :—10 boys, 13 girls ; total, 23.)

1. This school is held in temporary premises. The schoolhouse is too small, and the supply of furniture and apparatus is not sufficient. New buildings are in course of erection.

2. The pupils are punctual, but rather irregular in attendance. Their cleanliness, order, and conduct are tolerably satisfactory.

3. The subjects taught are appropriate, and the methods of instruction are tolerably skilful.

4. The progress of the scholars is fair, for the short time the school has been in operation, and the mental power is promising.

MURRBRUNDI—VESTED.

(Visited 18th September, 1861.—Numbers present at Examination :—26 boys, 17 girls ; total, 43.)

1. The buildings, fences, furniture, apparatus, and books, are in good condition, but the desks are unsuitable.

2. The pupils are tolerably punctual and regular in attendance. They are clean, neat, decently clothed, and well conducted. The moral tone is very fair.

3. The subjects taught are appropriate, and the methods of instruction fairly judicious.

4. The attainments of the scholars are very fair, and the mental power, on the whole, creditable.

PARKHAUGH—NON-VESTED.

(Visited 20th November, 1861.—Numbers present at Examination:—23 boys, 14 girls; total, 37.)

1. The necessary out-buildings have not been yet erected. The play-ground is too small, but two acres of land adjacent have been selected for a fresh site. In other respects, the material state of this school is fair.

2. The pupils are punctual and regular in attendance. They are clean, decently clothed, and well conducted.

3. The subjects taught accord with those prescribed, and the methods of instruction are tolerably judicious.

4. The proficiency of the pupils is fair in reading, writing, and Scripture, and moderate in the other subjects.

POBT MACQUARIE—VESTED.

(Visited 5th November, 1861.—Numbers present at Examination:—19 boys, 19 girls; total, 38.)

1. The buildings, fences, furniture, apparatus, and books, are in fair condition, and the school records in a satisfactory state.

2. The children are clean, decently clothed, and tolerably well conducted; they are also punctual, and regular in attendance.

3. The subjects taught accord with the Table of Minimum Attainments, and the methods of instruction are judicious and skilful.

4. The pupils have made very fair progress since the appointment of the present teacher.

PURFLEET—VESTED.

(Visited 22nd November, 1861.—Numbers present at Examination:—21 boys, 27 girls; total, 48.)

1. The buildings have been repaired and painted lately, and the material state of the school is much improved.

2. The pupils are tolerably punctual, and fairly regular in attendance. They are clean, decently clad, orderly, and well-behaved.

3. The subjects taught are those required, and the methods of instruction are apparently tolerably judicious.

4. The junior classes are rather backward. On the whole the proficiency of the elder children is tolerably satisfactory.

REDBANK—VESTED.

(Visited 12th November, 1861.—Numbers present at Examination:—18 boys, 16 girls; total, 34.)

1. A new residence for the teacher, out-buildings, and fencing have been lately erected. The material condition of the school has been much improved since last year.

2. The majority of the pupils are tolerably punctual and regular in attendance. They are clean, decently clothed, and well-behaved.

3. The subjects taught are, generally speaking, appropriate, but the system of instruction is wanting in method and logical arrangement.

4. Upon the whole, the proficiency of the pupils is more satisfactory than at any of my previous visits.

ROCKY RIVER—NON-VESTED.

(Visited 19th July, 1861.—Numbers present at Examination:—19 boys, 22 girls; total, 41.)

1. Fencing, out-buildings, and some additional apparatus, are required. The buildings are not of a very substantial or durable character, and are somewhat leaky.

2. The pupils are unpunctual and irregular in attendance. The cleanliness and order are not quite satisfactory.

3. The instruction is very defective, and the methods of teaching unsuitable.

4. The proficiency of the pupils is exceedingly small, and far from approaching the standard ratio of progress required. The teacher has since been dismissed.

STRONTIAN PARK—NON-VESTED.

(Visited 23rd January, 1861.—Numbers present at Examination:—15 boys, 17 girls; total, 32.)

1. The schoolhouse is in fair repair, but the ground is not enclosed, and the necessary out-buildings have not yet been erected. The furniture, apparatus, and books are in good condition, but not quite sufficient in quantity.

2. The order, cleanliness, and behaviour of the pupils are very pleasing.

3. The subjects of instruction are appropriate, and the methods of tuition skilful and judicious.

4. The progress of the pupils is satisfactory in reading and orthography, and very fair in the other subjects.

TAMWORTH—VESTED.

(Visited 30th August, 1861.—Numbers present at Examination:—22 boys, 18 girls; total, 40.)

1. Furniture and additional apparatus are required. In all other respects the material condition of the school is satisfactory.

2. The pupils are clean, neat, decently dressed, orderly, and well conducted; they are punctual and regular in attendance.

3. The subjects of instruction are well chosen; the methods in use are skilful and applied with industry and care.

4. The proficiency of the junior classes is very fair, and of the senior class good. The mental powers are well developed.

TAREBE—NON-VESTED.

(Visited 26th November, 1861.—Numbers present at Examination :—20 boys, 23 girls; total, 43.)

1. This schoolhouse is new, fairly suitable, and well supplied with furniture, apparatus, and books. Fencing and out-buildings are required.
2. The pupils are clean and tidy in appearance, and tolerably well-behaved for the time they have been under discipline. They are punctual and regular in attendance.
3. The subjects taught are those required, but the methods are of an individual character, and in some respects mechanical.
4. The attainments of the pupils are small, but the progress is tolerable for the time the school has been in operation.

TINONEE—NON-VESTED.

(Visited 21st November, 1861.—Numbers present at Examination :—10 boys, 20 girls; total, 30.)

1. This building is new, and fairly suitable. Fencing, out-buildings, and additional apparatus are required. The classification is defective, and the school records are not quite complete.
2. The pupils are neat and clean, and tolerably punctual, and regular in attendance.
3. The instruction is defective in some respects. The methods in use have a modern tendency, but the teacher is young and wanting in practical skill.
4. The proficiency of the pupils is small.

TELEGHERRY—NON-VESTED.

(Visited 6th December, 1861.—Numbers present at Examination :—23 boys, 24 girls; total, 47.)

1. The apparatus of this school is not quite sufficient, but in other respects its material state is satisfactory.
2. The pupils are punctual and regular in attendance, clean and decently clothed, orderly and well-conducted.
3. The subjects taught accord with the provisions of the Table of Minimum Attainments. The methods of instruction have a mechanical tendency, yet they are fairly skilful, and applied with earnestness and care.
4. The pupils have made fair progress during the year. They are rather bashful, but the mental power is tolerable.

WALCHA—VESTED.

(Visited 16th August, 1861.—Numbers present at Examination :—11 boys, 14 girls; total, 25.)

1. The buildings are almost new, and three rooms have lately been added to the teacher's residence. The material state of the school is satisfactory.
2. The pupils are not so punctual and regular in attendance as could be desired. They are, however, clean and decently clad, and they behave with modesty and propriety.
3. The subjects taught agree with those prescribed, and the methods of instruction are fairly judicious.
4. The progress of the pupils is fair.

WOOLA WOOLA—NON-VESTED.

(Visited 18th November, 1861.—Numbers present at Examination :—14 boys, 26 girls; total, 40.)

1. The schoolhouse has been recently enlarged and better lighted, a residence erected for the teacher, and the ground fenced, but out-buildings are yet to be provided.
2. The pupils are punctual and regular in attendance. They are very neat and clean, and their demeanour and conduct are well regulated.
3. The subjects of instruction are appropriate, and the methods rational and intellectual.
4. Considering the backward state of the school when the present teacher took charge the proficiency of the pupils is fair.

WESTERN DISTRICT.

BATHURST—NON-VESTED.

(Visited 9th October, 1861.—Numbers present at Examination :—46 boys, 11 girls; total, 57.)

1. This is one of the most suitable schoolrooms in the district. It is well furnished, and its material state is satisfactory.
2. The moral tone of this school is good. The small number of girls in the school may be traced to the want of a female teacher. This important deficiency has since been supplied.
3. The subjects are in every respect appropriate, and the methods are much improved; they are now calculated to produce the required results.
4. The proficiency of the pupils is on the whole good.

BLANEY—VESTED.

(Visited 7th June, 1861.—Numbers present at Examination :—12 boys, 9 girls; total, 21.)

1. The school is held in temporary premises. The schoolroom is not sufficiently large for the accommodation of the pupils. In other respects it is fairly organized. A new building is in course of erection.
2. The school is well disciplined, but the attendance is very irregular. The moral character is satisfactory.
3. The subjects for first class are not at all appropriate, and the methods of instruction are too mechanical.
4. The proficiency of the junior classes is very small; that of the senior may be described as medium. Little, if any, real progress has been made during the year.

BOWENFELS—VESTED.

(Visited 25th September, 1861.—Numbers present at Examination :—16 boys, 14 girls; total, 30.)

1. The building was originally badly planned. The school does not suffice for the accommodation of the pupils, but in all other respects, its material state is reasonably good.
2. The pupils are tolerably punctual and regular, clean, and in fair order, considering the difficulties with which the teacher has to contend. The moral character of the school is in many respects satisfactory.
3. The teacher has endeavoured, to the best of his ability, to raise the instruction to the standard required by the Table of Minimum Attainments. The methods are not sufficiently intellectual—there is too much learning by rote.
4. The proficiency of the pupils may be estimated as tolerable. When examined by the teacher they appear to have made fair progress, but their attainments not being thorough, they fail to answer an Inspector satisfactorily.

BURRENDULLA—NON-VESTED.

(Visited 27th November, 1861.—Numbers present at Examination :—14 boys, 8 girls; total, 22.)

1. A black board and easel are needed, and the playground requires fencing. In all other respects the material state of the school is passable.
2. The punctuality, regularity, cleanliness, order, and government are tolerable. The general tone of the school is not, however, prepossessing: its defects are apparent, but there are slight signs of improvement since the appointment of the present teacher.
3. The subjects are, necessarily, very elementary, and they are not sufficiently skilful. The teacher has been only a short time in charge.
4. The pupils have been injudiciously classed, and their proficiency, in consequence, appears to a disadvantage. Little, if any, real progress has been made within the year.

CARCOAR—VESTED.

(Visited 16th June, 1861.—Numbers present at Examination :—16 boys, 22 girls; total, 38.)

1. The building is in excellent repair, and the furniture, apparatus, books, &c., are in good condition and sufficient in quantity. The material state of this school is, in every way, satisfactory.
2. The punctuality is good, but the regularity is only tolerable. On the whole, the moral character of this school is decidedly pleasing.
3. All the ordinary subjects have been introduced to the extent required by the Table of Minimum Attainments. The instruction is both skilful and judicious.
4. The proficiency of the pupils is satisfactory. This school is in a more efficient state than I have hitherto known it to be.

CAMPBELL'S RIVER—NON-VESTED.

(Visited 6th November, 1861.—Numbers present at Examination :—15 boys, 11 girls; total, 26.)

1. The school is tolerably furnished, and reasonably sufficient for the accommodation of the pupils. Its material state is fair for the kind.
2. The moral character of this school is, on the whole, reasonably satisfactory.
3. The subjects are not, in every case, appropriate. Some of the children of second class are learning the subjects required for third; and the subjects taught to first class do not accord with the Table of Minimum Attainments.
4. The proficiency in arithmetic is very fair, but the knowledge possessed of the remaining ordinary branches is only moderate. This school has much improved, as regards attendance, during the year.

COWRA—VESTED.

(Visited 11th June, 1861.—Numbers present at Examination :—18 boys, 19 girls; total, 37.)

1. The building is in bad repair, and the furniture is old and unsuitable. The whole material state of the school is indifferent.
2. With the appliances at the teacher's command, the moral effects are good. This school continues to uphold its previous high character.
3. The ordinary subjects, with music, drawing, and French, have been introduced. The subjects are appropriate, and accord with the Table of Minimum Attainments, which has been often reached and sometimes surpassed. The methods are skilful, and calculated to thoroughly educate the children.
4. Very respectable progress has been made within the year. This school is characterised by sustained efficiency.

DENNIS ISLAND—NON-VESTED.

(Visited 17th December, 1861.—Numbers present at Examination :—11 boys, 11 girls; total, 22.)

1. The building is in good repair for the kind, and the furniture and apparatus are reasonably sufficient in quantity, and in good condition. The material state of the school is fair.
2. The cleanliness, order, and government are very satisfactory, and the punctuality and regularity of the pupils are tolerable. The moral character of this school is very pleasing.
3. Object lessons have not been systematically taught. A tolerably successful attempt has been made to carry out the ordinary subjects to the extent required by the Minimum Attainments. The instruction is of a much more intellectual character than I have hitherto known it to be.
4. The proficiency of the pupils in the majority of the branches taught is fair; the answering in grammar and geography was not quite satisfactory.

DUBBO—VESTED.

(Visited 20th November, 1861.—Numbers present at Examination :—20 boys, 21 girls; total, 41.)

1. There are no really important deficiencies connected with the material state of this school, which is, on the whole, fair.
2. The punctuality and regularity are reasonably satisfactory, and the demeanour and conduct of the pupils have been well regulated. The moral character of this school is of such a kind as to afford pleasure to an Inspector in its examination.
3. The ordinary subjects are so taught as to make them form the ground work of a good and useful education. The methods are generally judicious.
4. The proficiency of the pupils is fair. Very respectable progress has been made within the year.

EVANS' PLAINS—VESTED.

(Visited 26th October, 1861.—Numbers present at Examination :—26 boys, 16 girls; total, 42.)

1. Deficiencies exist as regards the records of the school, and the classification and occupation of the pupils; in all other respects the material state of the school is fair.
2. The punctuality and regularity are fair, but the manners and demeanour of the pupils do not seem to have been properly regulated.
3. The subjects have not been in every case introduced to the extent required by the Table of Minimum Attainments, and the methods are too mechanical.
4. The proficiency of the pupils is tolerable, yet the progress made during the year is not satisfactory.

FISH RIVER'S CREEK—NON-VESTED.

(Visited 21st May, 1861.—Numbers present at Examination :—7 boys, 10 girls; total, 17.)

1. Building not exactly suitable for school purposes; furniture and apparatus insufficient in quantity. This school is badly organised.
2. No well defined course of discipline has as yet been introduced, and the pupils are unpunctual and irregular. The moral tone of this school is below the average.
3. The subjects of instruction are necessarily very elementary; they are also inappropriate; the methods scarcely deserve the name; they are entirely mechanical, and principally individual.
4. The proficiency of the pupils is extremely small. The school has been only a short time in operation.—(It has been since improved.)

GUNTAWANG—NON-VESTED.

(Visited 26th November, 1861.—Numbers present at Examination :—20 boys, 18 girls; total, 38.)

1. A very suitable schoolroom, well furnished; its material state is very fair.
2. The punctuality and regularity are fair, and the manners and demeanour of the pupils have evidently been well regulated; a well defined course of discipline has been introduced; the moral character of the school is good.
3. The subjects, though very elementary, are yet appropriate. They accord, on the whole, with the Table of Minimum Attainments.
4. The methods of instruction are rather mechanical. The pupils do not seem to have been made to think; the style of questioning is not quite suitable. The progress made by the pupils is, on the whole, reasonably fair. The school has not been long in operation.

HARGRAVES—VESTED.

(Visited 5th December, 1861.—Numbers present at Examination :—12 boys, 15 girls; total, 27.)

1. The material state of the school is tolerable, a considerable sum of money having been expended during the year upon repairs.
2. The pupils are neither regular nor punctual in attendance; in every other respect, however, the moral tone of the school is satisfactory.
3. The subjects have not, in every case, been introduced to the extent required by the Table of Minimum Attainments, and the methods of instruction are rather mechanical. They are, however, what might be expected from an inexperienced, though at the same time, intelligent teacher.
4. Considering the tender age of the pupils, the majority being either seven years or under, the progress made is satisfactory.

KIRKCONNELL—VESTED.

(Visited 4th October, 1861.—Numbers present at Examination :—8 boys, 22 girls; total, 30.)

1. An excellent schoolroom, well furnished; the school ground is not fenced in, otherwise its material state is very good.
2. The pupils were very clean and very orderly. The moral character of this school is, on the whole, good.
3. The ordinary subjects are well taught, and the methods are skilful and intelligent.
4. The attainments of the children are, on the whole, fair. Reasonable progress has been made since last inspection.

LITTLE HARTLEY—NON-VESTED.

(Visited 27th May, 1861.—Numbers present at Examination :—8 boys, 6 girls; total, 14.)

1. The building is unsuitable, and in bad repair; the furniture and apparatus are insufficient in quantity. The whole material state of the school is indifferent.
2. The pupils are neither regular nor punctual in attendance, and no well defined course of discipline has been introduced. The moral tone of the school is indifferent.
3. The subjects do not accord with the Table of Minimum Attainments, and the methods are not calculated to develop the intellectual faculties of the pupils.
4. The classification being injudicious, the proficiency of the pupils is relatively very small. The school has been only a few months in operation.—(It has since been improved.)

MEADOW FLAT—VESTED.

(Visited 26th September, 1861.—Numbers present at Examination :—15 boys, 15 girls; total, 30.)

1. A black board and easel form important deficiencies. In every other respect the material state of the school is good.
2. The cleanliness, order, and government are satisfactory, but the pupils are neither punctual nor regular in attendance.
3. The subjects have not, in every case, been taught to the extent required by the Table of Minimum Attainments, and the methods, though fair for an untrained teacher, are yet indicative of inexperience.
4. There is not much real progress to record. This has been satisfactorily accounted for by the severity of the season, and the consequent irregularity of the attendance.

MERRENDISE—NON-VESTED.

(Visited 6th December, 1861.—Numbers present at Examination :—10 boys, 5 girls; total, 15.)

1. The furniture is insufficient in quantity, in bad condition, and entirely unsuitable. There are no articles of apparatus, and the building is in very bad repair. This is the worst organized school I have ever visited.

2. The cleanliness, order, and government of this school are very indifferent. Its moral tone is very low.

3. The mere elements of some of the ordinary subjects have been introduced. The methods scarcely deserve the name.

4. The proficiency of the pupils is very small. About one half of the small number in attendance know little beyond the mere elements of reading, writing, and arithmetic, and the other half exhibit no knowledge of a practical character.

MOLONG—NON-VESTED.

(Visited 14th November, 1861.—Numbers present at Examination :—19 boys, 31 girls; total, 50.)

1. Two closets, a few maps, and a black board and case, form important deficiencies. In all other respects the material state of the school is fair.

2. The pupils are reasonably regular in attendance, their manners are pleasing, and their demeanour modest. The moral character of the school is more satisfactory than I have hitherto known it to be.

3. The teacher has exerted himself, to the best of his ability, to raise the attainments of each class in each subject, to the extent required by the Minimum Attainments. With more practice I feel certain the methods will improve.

4. Fair progress has been made since the present teacher took charge, and there is every prospect of continued improvement.

MOUNT MACQUARIE—VESTED.

(Visited 22nd October, 1861.—Numbers present at Examination :—9 boys, 24 girls; total, 33.)

1. The building is in good repair, and the furniture and apparatus are reasonably sufficient in quantity, and in good condition. A few additional maps are required.

2. No well defined course of discipline has as yet been introduced. The moral tone of the school is, on the whole, tolerable.

3. The subjects of instruction do not in every case accord with the Table of Minimum Attainments, and the methods are unsuitable.

4. In exercises of a mechanical nature the pupils have made fair progress, but their proficiency in intellectual subjects is small.

MUDGE—VESTED—(Boys.)

(Visited 28th November, 1861.—Numbers present at Examination :—67 boys; total, 67.)

1. This is an excellent schoolroom in very good repair. It is well furnished in every respect.

2. The punctuality, regularity, cleanliness, and order, are satisfactory. The school is skilfully governed. Its moral character is very good.

3. The subjects are appropriate. They accord with the Table of Minimum Attainments, which has been often reached and sometimes surpassed. The instruction is more effective, more calculated to produce satisfactory results, than I have hitherto known it to be.

4. In point of extent and completeness the proficiency of the pupils is all that could be reasonably desired.

MUDGE—(Girls.)

(Visited 29th November, 1861.—Numbers present at Examination :—35 girls; total, 35.)

1. The material state of this school is in almost every respect satisfactory. A slight defect in the ventilation is the only point requiring remark in connection with this department.

2. The moral character of this school is all that could be reasonably desired.

3. The subjects are appropriate, and a fair attempt has been made to carry them out to the extent required by the Table of Minimum Attainments. The methods are, on the whole, fair.

4. Making allowance for the insufficiency of teaching power, as compared with the other departments of the Model School, the progress made is reasonably satisfactory.

MUDGE—(Infants.)

(Visited 29th November, 1861.—Numbers present at Examination :—33 boys, 47 girls; total, 80.)

1. There is a necessity for the building of a suitable infant school, as the present one does not suffice for the accommodation of the pupils. In all other respects it is very well organized.

2. The moral tone of this school is extremely pleasing.

3. All the subjects proper to infant schools are well taught. The methods are highly appropriate, being well calculated to develop the mental faculties of the pupils.

4. The progress made is, on the whole, satisfactory.

OPHIR ROAD—NON-VESTED.

(Visited 7th November, 1861.—Numbers present at Examination :—6 boys, 4 girls; total, 10.)

1. The classification of the pupils has not been regulated by the Table of Minimum Attainments, and the records of the school have not been correctly kept. In every other respect the material state of the school is reasonably satisfactory.

2. The pupils are irregular in attendance, and the cleanliness, order, and government are all very defective. The moral tone of this school is considerably below the average.

3. The subjects are not appropriate, and the methods scarcely deserve the name.

4. The proficiency of the few pupils present was in some respects tolerable; but, on the whole, the attainments are very low. The teacher has since resigned.

ORANGE—VESTED.

(Visited 12th November, 1861.—Numbers present at Examination :—40 boys, 28 girls; total, 68.)

1. The school is not sufficient to accommodate the number of pupils in attendance, and the furniture is old and unsuitable. The school cannot, under the circumstances, be well organized.

2. The punctuality, regularity, and cleanliness of this school are fair, and the order and government are tolerable. The moral tone of this school is not so high as might be expected.
3. Reading, writing, and arithmetic have been very sparingly taught to the first class; but the subjects of instruction for second, third, and fourth classes accord with the Table of Minimum Attainments.
4. The proficiency of the higher classes is fair, that of the younger children very small. The absolute attainments of the scholars rank low; considering the long time the school has been in operation; but fair progress has been made within the present year.

PEEL—VESTED.

(Visited 20th December, 1861.—Numbers present at Examination:—10 boys, 9 girls; total, 19.)

1. The building is in good repair, and the furniture and apparatus are reasonably sufficient in quantity, and in tolerable condition. This school is, on the whole, fairly organized.
2. The punctuality is tolerable, but the pupils are irregular in attendance. The cleanliness, order, and government of the school are satisfactory. The moral character of the school is, in many respects, very pleasing.
3. The subjects are well chosen, and the methods are both skilful and intelligent.
4. The progress made since the present teacher took charge is satisfactory. Except as regards the number of pupils in attendance, the school is much improved. Several of the pupils had left for the Christmas vacation before the date of inspection.

RYLSTONE—NON-VESTED.

(Visited 3rd December, 1861.—Numbers present at Examination:—13 boys, 9 girls; total, 22.)

1. The furniture and apparatus are reasonably sufficient in quantity, and in fair condition. As a temporary school, its material state is very fair.
2. The punctuality and regularity are moderate, but the attendance is very small. The want of a female to superintend the girls is much felt. On the whole, the moral character of this school is below the average.
3. The school has now been so long in operation that something more than the real elements of the ordinary subjects should be expected to form a portion of the daily instruction. The methods are faulty in many respects. The teacher is deficient in system.
4. The absolute knowledge possessed by the pupils is very small. Little, if any, real progress has been made during the year.

ROCKLEY—NON-VESTED.

(Visited 11th October, 1861.—Numbers present at Examination:—13 boys, 9 girls; total, 22.)

1. As a temporary school it is very well organized. It will, ere long, be superseded by a new vested school building.
2. If we except the irregular attendance of the pupils, the moral character of this school is fair.
3. The subjects are appropriate, and the methods are characterized by considerable intelligence. The instruction has been attended with reasonably satisfactory results.
4. The progress made by the pupils during the short time the school has been in operation, is, on the whole, satisfactory.

SUMMER HILL—NON-VESTED.

(Visited 12th October, 1861.—Numbers present at Examination:—6 boys, 12 girls; total, 18.)

1. The schoolroom is in good repair, tolerably furnished, and suitable for school purposes. It is fairly organized for the locality.
2. The discipline is not as yet, sufficiently effective, but the pupils are tolerably punctual, reasonably regular, and cleanly in appearance. Considering the short time the school has been in operation, its moral tone is fair.
3. The subjects are at present very elementary, and the methods exhibit considerable skill on the part of the teacher.
4. The proficiency is, at present, small, but the school has been only a few months in operation. It is a promising one.

TAMBAROORA—NON-VESTED.

(Visited 6th December, 1861.—Numbers present at Examination:—16 boys, 8 girls; total, 24.)

1. This school is tolerably well organized. A few additional maps are required.
2. If the pupils were more punctual, and more regular in attendance, the moral character of the school might be styled fair.
3. The subjects, in general, accord with the Table of Minimum Attainments, and the methods are skilful and as satisfactory as could be expected from an untrained teacher.
4. Fair progress has been made since the appointment of the present teacher. The proficiency is tolerably satisfactory.

WATTLE FLAT—VESTED.

(Visited 8th November, 1861.—Numbers present at Examination:—23 boys, 8 girls; total, 31.)

1. The building is in tolerable repair, and the furniture and apparatus are reasonably sufficient in quantity, and in fair condition. The playground is not properly fenced in.
2. The pupils are very irregular in attendance, and the cleanliness, order, and government of the school are unsatisfactory. The moral character of this school is decidedly bad.
3. The subjects are not at all appropriate, and the methods are decidedly faulty.
4. The relative proficiency of the pupils is very low. The Minimum Attainments has not been properly attended to.

WALLEROWANG—NON-VESTED.

(Visited 20th December, 1861.—Numbers present at Examination:—10 boys, 22 girls; total, 32.)

1. A very suitable stone building, in excellent repair. The furniture and apparatus are reasonably sufficient in quantity. This school is fairly organized.
2. The attendance is irregular; otherwise the moral character of this school is very satisfactory.

3. The teacher has endeavoured, to the best of his ability, to raise the standard of instruction to the extent required by the Table of Minimum Attainments. The methods employed, though not of a high character, are yet fair. They are much improved, and the style of questioning is more skilful than I have hitherto known it to be.

4. Though the absolute knowledge of the pupils is small, yet their relative proficiency is as fair as could be reasonably expected.

WELLINGTON—NON-VESTED.

(Visited 16th November, 1861.—Numbers present at Examination:—11 boys, 18 girls; total, 29.)

1. The furniture and apparatus are reasonably sufficient in quantity, and the building is in tolerable repair for the kind. The organization is, on the whole, tolerable.

2. The punctuality and regularity are fair, and the manners and demeanour of the pupils are properly regulated.

3. The Table of Minimum Attainments has not been properly attended to; object lessons have not been taught, and only the mere elements of the remaining ordinary branches have been introduced. The methods are decidedly faulty. Being entirely of a mechanical, and not unfrequently of an individual character, they scarcely deserve the name.

4. The attainments of the pupils are very low. The school has been only a few months in operation. It is a promising one.

WHITE ROCK—NON-VESTED.

(Visited 18th December, 1861.—Numbers present at Examination:—7 boys, 6 girls; total, 13.)

1. The building is in very good repair, and reasonably suitable for school purposes. The necessary articles of furniture and apparatus will be provided. The organization of the school is at present defective.

2. No well defined course of discipline has as yet been introduced. The school has been only one week in operation.

3. The subjects are at present necessarily of a very elementary character, but from what I know of the teacher, I believe the instruction will be both skilful and intelligent.

4. The attainments of the pupils are very low. The school is in its infancy. It is a promising one.

SOUTHERN DISTRICT.

ALBURY—VESTED.

(Visited 26th August, 1861.—Numbers present at Examination:—50 boys, 43 girls; total, 93.)

1. Considering the number of children in attendance, and the educational requirements of the locality, the material state of this school is unsatisfactory. New and suitable premises are, however, in course of erection.

2. The punctuality, regularity, cleanliness, and government are satisfactory. Considering the many difficulties with which the teacher has to contend, the moral tone of this school is satisfactory.

3. The subjects taught are more appropriate—more adapted to the ages and capacities of the pupils—than I have hitherto known them to be.

4. The proficiency of the pupils is, on the whole, very respectable; in many instances, very good.

BANGALORE—NON-VESTED.

(Visited 11th October, 1861.—Numbers present at Examination:—11 boys, 14 girls; total, 25.)

1. There is no proper accommodation for either the teacher or pupils. No play-ground or out offices. Furniture is insufficient and unsuitable; there is no apparatus, and but a scanty supply of books.

2. The children are very punctual and clean; and though no attention has been paid to drill exercises of any kind, they are orderly and respectful in their demeanour.

3. Several subjects, for want of facilities, are not taught.

4. The children have been badly taught hitherto; this, together with a want of books and maps, makes the proficiency limited. The reading is good.

BEGA—VESTED.

(Visited 6th June, 1861.—Numbers present at Examination:—20 boys, 16 girls; total, 36.)

1. A good brick building with a class room. The material appliances are very fair.

2. The moral aspect of the school impressed me favourably.

3. The subjects are well adapted to the capacities of the pupils, and are taught with skill and efficiency.

4. The proficiency, which increases with the classification, is, on the whole, fair. The reading in the sequel class is above the average.

BERRIMA—NON-VESTED.

(Visited 29th July, 1861.—Numbers present at Examination:—18 boys, 12 girls; total, 30.)

1. The building is very much out of repair. The furniture is very unsuitable, and the apparatus almost nothing.

2. The crowded state of the room, and the ill-arranged furniture, make it impossible to preserve proper order. The discipline is strict but not effective. The children are not punctual, and many of them are irregular.

3. The teacher continues to use spelling books for the senior children, and b.a. ba, &c., for the younger ones. He omits some of the subjects required, from a mistaken idea that the children are incapable of learning them.

4. The classes are so subdivided that the proficiency varies very much in the same class. The intelligence is not developed. The reading of the second class is excellent.

BINALONG—VESTED.

(Visited 24th June, 1861.—Numbers present at Examination :—14 boys, 20 girls; total, 34.)

1. The building is in very good repair, and suitable for school purposes. The furniture and apparatus are not sufficient in quantity. Considering these circumstances, the school is very well organized.
2. The punctuality, regularity, cleanliness, order, and government are fair; and the manners and demeanour of the pupils have been well regulated. The moral tone of this school is particularly pleasing.
3. All the ordinary subjects have been taught; but they have not been introduced to each class to the extent required by the "Minimum Attainments."
4. Considering the short time this school has been in operation, the progress made by the pupils is very satisfactory.

BRAIDWOOD—VESTED.

(Visited 22nd October, 1861.—Numbers present at Examination :—30 boys, 31 girls; total, 61.)

1. The material state of the school is satisfactory.
2. Good order and cleanliness are seen in both schools. It is a matter of regret that the pupils are not more punctual and regular.
3. The ordinary subjects are all included in the school business. Object lessons are taught in a very crude manner. The third class boys are learning geometry, but have made little progress in it.
4. Very fair answering was obtained in the boys' school. The attainments of the girls are lower.

EDEN—VESTED.

(Visited 12th June, 1861.—Numbers present at Examination :—7 boys, 11 girls; total, 18.)

1. The building is good but wants cleaning and repairs. The furniture and apparatus are quite sufficient for the attendance.
2. The teacher will have much to do to improve the manners and demeanour of the children; hitherto they seem to have been allowed to run wild. The attendance is marked by a want of punctuality and regularity.
3. I can hardly state that the required subjects are taught, the children know so little of them. The methods of teaching are unskillful.
4. There was not one of the subjects in which the pupils showed a fair proficiency.

ELING FOREST—VESTED.

(Visited 30th July, 1861.—Numbers present at Examination :—15 boys, 6 girls; total, 21.)

1. The locality is not populous. The school is undergoing repair. Furniture and apparatus moderate.
2. The cleanliness of the schoolroom and children, their orderly and quiet behaviour, and the mode of conducting the changes, are very creditable. Moral tone good.
3. The course of instruction includes all the usual subjects. They are judiciously and carefully taught.
4. The proficiency is not very great, but some progress has been made.

GOULBURN—NON-VESTED.

(Visited 9th August, 1861.—Numbers present at Examination :—27 boys, 20 girls; total, 47.)

1. Boys and girls are separated as the rooms are small. The furniture is not suitable. The apparatus is sufficient, but is confined to the boys department.
2. The pupils are clean and tidy, but noisy, and are addicted to copying from one another. The moral tone does not seem to me to be high.
3. The subjects of instruction are limited, particularly in the girls' school; needlework occupies two hours each day to the exclusion of literary subjects. Seven girls learn the piano during the recess. The boys are taught surveying in fine weather.
4. The attainments are below the average. The girls are very deficient.

GUNDAGAI—VESTED.

(Visited 4th September, 1861.—Numbers present at Examination :—21 boys, 22 girls; total, 43.)

1. It is very desirable that one of the cross walls be taken down, so as to throw two of the apartments into one, which would form a suitable main schoolroom. The fencing in of the school ground also forms an important deficiency.
2. The pupils are neither very punctual nor very regular in attendance; they are, however, clean, in good order, and modest in demeanour. The moral tone of the school, in these respects, is very good.
3. The subjects are well chosen—suited to the ages and capacities of the pupils; and the methods are judicious, tolerably skilful, and calculated to produce reasonably satisfactory results.
4. The pupils' attainments are on the whole fair. The progress made is not likely to become apparent without a searching examination.

GUNNING—NON-VESTED.

(Visited 29th January, 1861.—Numbers present at Examination :—17 boys, 8 girls; total 25.)

1. The building is in bad repair, and the furniture and apparatus are unsuitable and insufficient. There is a tolerably good supply of books.
2. The moral character of the school is tolerably good. The pupils are clean, but neither very punctual nor regular. Some improvement in the general demeanour of the pupils has taken place since last inspection, and the elder scholars are more orderly and attentive.
3. The methods are not very skilful, but the instruction is in general characterized by earnestness and industry.
4. The proficiency of the pupils is tolerable, reading and writing being the best subjects.

LONG REACH—VESTED.

(Visited 5th August, 1861.—Numbers present at Examination :—5 boys, 6 girls; total, 11.)

1. Being situated close to the Wollondilly, the building is liable to floods. The furniture and apparatus are sufficient.
2. The children are clean and have a quiet and respectful bearing. They are punctual, but not regular.
3. The subjects are on the whole fairly adapted to the ages and capacities of the children. Two or three learn a little French and drawing.
4. The first is an extremely well taught class. The reading and spelling are particularly good in the three classes.

LOWER BANGALORE—NON-VESTED.

(Visited 10th October, 1861.—Numbers present at Examination :—7 boys, 12 girls; total, 19.)

1. A good brick structure, with boarded floor and ceiling; good playground. The patrons cannot at present complete the supply of furniture and apparatus. No maps of any kind.
2. The pupils are punctual but not regular. They are clean and orderly, yet the order is not altogether the result of discipline. The moral tone is promising.
3. The school has not been long in operation, and in some respects the course of instruction is not up to the requirements of the table.
4. The pupils are not long in their present classes, and their attainments are necessarily low. Some development and intelligence can, however, be seen in what has been done.

MAJOR'S CREEK—VESTED.

(Visited 19th March, 1861.—Numbers present at Examination :—38 boys, 31 girls; total, 69.)

1. The school building is in need of repair, and additional apparatus and books are required.
2. The cleanliness is considerably improved. The pupils are fairly regular and punctual in attendance, but there is still an amount of inattention and restlessness that indicate defective discipline.
3. The subjects of instruction accord with the requirements of the Board's regulations. There is need for improvement in the methods, individual teaching being too much practised.
4. The proficiency of the pupils is, from various causes (some of which are beyond the teacher's control), unsatisfactory.

MARENGO—NON-VESTED.

(Visited 27th June, 1861.—Numbers present at Examination :—13 boys, 15 girls; total, 28.)

1. The building is in tolerable repair, and reasonably sufficient for the accommodation of the pupils. The school is, on the whole, fairly organized.
2. The pupils are tolerably punctual, reasonably regular, and in fair order. The general tone of this school is improved.
3. The subjects are not appropriate; they do not accord with the Table of Minimum Attainments. The methods are not calculated to develop the intellectual faculties of the pupils.
4. The proficiency of the pupils in reading, writing, and arithmetic is tolerable, but their knowledge of grammar and geography is very small.

MARULAN—NON-VESTED.

(Visited 1st August, 1861.—Numbers present at Examination :—9 boys, 9 girls; total, 18.)

1. The schoolroom is an old store, with the shelves and counters still standing. There is neither proper furniture nor apparatus. No playground.
2. The school has yet to create for itself a good moral tone. The children are noisy in the extreme, and get their ears boxed frequently. Their cleanliness is the only redeeming feature.
3. The usual subjects are taught in a very indifferent manner.
4. The proficiency is very low.

MYRTLEVILLE—VESTED.

(Visited 15th August, 1861.—Numbers present at Examination :—11 boys, 13 girls; total, 24.)

1. A slab building in good repair. Planks are laid down for flooring. The furniture is not nor the apparatus sufficient.
2. The moral aspect is capable of improvement.
3. The number and extent of the subjects do not accord with the Table.
4. The reading and arithmetic of the first class, and the reading and writing of the third, are the only subjects worthy of mention. Grammar, geography, object lessons, and scripture lessons are entirely neglected.

PANBULA—VESTED.

(Visited 10th June, 1861.—Numbers present at Examination :—5 boys, 4 girls; total, 9.)

1. The building is sometimes surrounded by floods to a height of 3 feet. The organization is defective.
2. The children are neither punctual nor regular. Much noise and disorder. The walls are dirty and damp.
3. None but the ordinary subjects are taught, and of these, the smallest quantity possible.
4. The few children present were very deficient in acquirements.

TARALGA—NON-VESTED.

(Visited 16th August, 1861.—Numbers present at Examination :—12 boys, 15 girls; total, 27.)

1. The material state of this school is not at all satisfactory. Very deficient in suitable furniture and apparatus.
2. There is a pleasing appearance of cleanliness. Order receives as much attention as the circumstances will admit of. The moral tone may be considered pretty fair.
3. The usual branches. The methods are chiefly derived from the teacher's practice.
4. The attainments are tolerable in the first and second classes; indifferent in the sequel.

TABLO—

TARLO—NON-VESTED.

(Visited 14th August, 1861.—Numbers present at Examination :—10 boys, 11 girls; total, 21.)

1. On the whole, the material state of the school is unsatisfactory.
2. The children are clean and tidy, for bush children, and tolerably punctual; their regularity has been disturbed by the prevalence of itch. The moral tone is pretty fair.
3. The course of instruction is not according to the Table. The methods in use are very crude.
4. Geography, grammar, and object lessons are altogether overlooked. No subject of sufficient prominence for praiseworthy remark.

TOWRANG—NON-VESTED.

(Visited 9th October, 1861.—Numbers present at Examination :—5 boys, 7 girls; total, 12.)

1. A good substantial building. No proper play ground. Furniture and apparatus are deficient and unsuitable, but the attendance is so small, that there is a feeling against any expenditure, but the most trifling.
2. The children fail in punctuality and regularity. For bush children they are clean and tidy. Order has yet to be established.
3. The subjects of instruction do not come up to the Table of Minimum Attainments, nor are they sufficiently taught.
4. The attainments are much below the average.

TUMUT—NON-VESTED.

(Visited 2nd September, 1861.—Numbers present at Examination :—15 boys, 9 girls; total, 24.)

1. There is a great necessity for the building of a suitable fireplace. Two additional desks also form an important deficiency.
2. The punctuality is fair, but the regularity is unsatisfactory. The moral character of the school is wanting in a great many essentials.
3. It is only lately that proper attention has been paid to the Table of Minimum Attainments. The methods are too mechanical. Nearly everything has been learned by rote.
4. The attainments of the pupils are not satisfactory.

ULLADULLA—NON-VESTED.

(Visited 2nd November, 1861.—Numbers present at Examination :—25 boys, 16 girls; total, 41.)

1. A good slab building, but too small for the attendance. A well fenced play ground. The supply of furniture and apparatus is suitable and sufficient.
2. Considering that fully two-thirds of the children were never before subject to school control, the moral aspect may be considered satisfactory.
3. The teacher, in his anxiety, is perhaps attempting too much; he has just introduced grammar and geography to the first class. There is too much individual teaching.
4. Fair progress has been made since the opening of the school.

WAGGA WAGGA—VESTED.

(Visited 5th July, 1861.—Numbers present at Examination :—boys 19, girls 18; total, 37.)

1. An excellent schoolroom, in very good repair. It is well furnished, and suitable in every respect for school purposes. Its material state is very good.
2. The punctuality and regularity are fair, and the cleanliness, order, and government are good. The moral tone of this school is very satisfactory.
3. All the ordinary subjects are taught to the extent required by the Minimum Attainments.
4. The proficiency of the pupils is at present small, but very fair progress has been made since the opening of the school.

WESLEY VALE—NON-VESTED.

(Visited 30th January, 1861.—Numbers present at Examination :—15 boys, 10 girls; total, 25.)

1. With the exception of furniture and apparatus, the material appliances are sufficient.
2. The pupils are cleanly, and, making allowance for local circumstances, their attendance is regular and punctual. The moral tone is good.
3. The methods are not at present well defined, as the organization is not yet quite complete.
4. For the same reason, the proficiency of the pupils cannot be positively stated, but may be estimated as fair.

WENTWORTH—NON-VESTED.

(Visited 2nd August, 1861.—Numbers present at Examination :—17 boys, 13 girls; total, 30.)

1. Considering the educational requirements of this important district, the material state of this school is unsatisfactory. The building is unsuitable for school purposes, and the furniture and apparatus are insufficient in quantity.
2. The punctuality and regularity are tolerable, but the order and government are indifferent. No well defined course of discipline has been introduced. The moral character of this school is only very moderate.
3. The subjects of instruction are very elementary; they are inappropriate, and do not accord with the Table of Minimum Attainments.
4. The proficiency of the pupils is very small. Little, if any, progress has been made since the establishment of the school.

ANNEX 2.

[Circular No. 32.]

National Education Office,
Sydney, 1 November, 1860.

Sir,

I have the honor, by direction of the Commissioners of National Education, to acquaint you, that they have adopted the following revised Regulations for the examination and classification of teachers in their service.

2. The Commissioners have constituted a Board of Examiners, for the purpose of setting Examination questions and revising the papers of answers. The undermentioned gentlemen have consented to act as Examiners, in the subjects specified against their names;—

Dr. Woolley Logic and Mental Philosophy.
 Professor Pell Mathematics and Natural Philosophy.
 W. J. Stephens, M.A. Classics and English Literature.
 ————— Modern Languages.
 Professor Smith Experimental Sciences.
 ————— Natural Sciences.
 W. J. Cordner, Esq. Music.
 J. Fowles, Esq. Drawing.

In addition to these gentlemen, the names of the Inspectors and of the Head Master of the Model School must be included in the list of Examiners. They will be specially charged with the examination on the ordinary subjects and with the estimate of the teacher's practical skill.

3. Examinations will be conducted in the same manner as hitherto. The questions being written, are to be answered on paper by the candidate in the presence of an Inspector, who, at the close of the examination, will forward the replies to the Examiners for revision. Each Examiner will set questions on the subjects belonging to his own department, and will also assign a value to the papers of answers, in accordance with his estimate of their merits. The values of the different papers will then be collated by the Inspectors and the Head Master, who will report the result to the Commissioners.

4. All teachers holding a lower classification than Class II., Section A, will be required to undergo examination annually, as stated in Circular 27. Success in the examination will not necessarily entitle a teacher to a higher classification, but failure will lead to a loss of classification, unless a very satisfactory reason could be assigned for the decrease of attainments. The precise date of the annual examination cannot be fixed, as it will depend much upon the engagements of the various Inspectors; but, in general, it will take place about the time of the secondary inspection of the school. Teachers who desire to be examined with a view to obtain a higher certificate, must apprise the Inspector of the District of their wish; and, at the same time, furnish to him a list of the alternative subjects upon which they are prepared for examination.

5. The subjects on which teachers may be examined are divided into two classes:—Ordinary and Alternative. The former class embraces those elementary branches with which it is necessary for every teacher to be acquainted, inasmuch as they form the staple of daily instruction in school. Reading, Writing, Arithmetic, Grammar, Geography, and the Knowledge of the School Books, are of this kind; to which must be added, as being equally requisite, acquaintance with the principles of School Management. All other subjects are styled Alternative, because it is optional with the teacher to undergo an examination in any of them with which he may be familiar.

6. In order to obtain a first or second-class certificate, teachers must submit to examination in one or more Alternative subjects; and it is recommended that they should confine their attention to one group of subjects.

7. Teachers who undergo examination for a higher certificate will be expected, at every successive grade, to show increased acquaintance with the ordinary branches. In Alternative subjects, should one branch only be taken, higher proficiency will be required than where two or more subjects are selected. For example, less extensive knowledge in each branch would be required from a teacher who chose Latin and Greek, than from another who was examined in Latin only.

8. No higher classification will be awarded, even if an examination be passed successfully by a teacher, unless the Inspector's Reports upon his school speak in favourable terms of his ability, industry, and efficiency. Attainments, therefore, without practical skill, will not entitle a teacher to promotion; while on the other hand, success in the actual work of the school will always be recognized and rewarded. It will be seen from the foregoing statements, that a teacher's classification depends, first upon his attainments, and secondly upon his practical skill.

9. Teachers who are desirous of being promoted to larger or more important schools, are to intimate their wishes in this respect to the Inspector of the District in writing. A list of such teachers will be kept in the Board's office, and all promotions will be made in accordance with the principle of classification and seniority, except in special cases.

10. The schedule annexed hereto, is intended to exhibit the alternative subjects of examination, and to advise teachers as to the study of suitable text books.

I have, &c.,
 W. C. WILLS,
 Secretary.

To Mr.
 Teacher of the National School,
 At

LIST OF ALTERNATIVE SUBJECTS OF EXAMINATION.

NOTE.—Teachers must bear in mind that the examination questions may not be confined to the text-books mentioned below, they being intended to indicate merely the general course and direction to be pursued in studying the various subjects.

SUBJECTS.	BRANCHES.	TEXT BOOKS.
1. Mental Philosophy.*	Logic Metaphysics. Ethics. Social Philosophy.	Whateley's Logic. Morell's Outlines of Mental Philosophy. Whewell's Elements of Morality. Mill's Political Economy (or Senior's Political Economy). Hallam's Constitutional History, or Creasy on the Constitution, Warren's Blackstone.
2. Mathematics.	Algebra. Geometry. Trigonometry. Conic Sections.	Lund's Wood, or Todhunter. Simpson's Euclid. Hymers, Snowball, or Todhunter. Hymers, Hamilton, Todhunter.
3. Natural Philosophy.	Statics. Dynamics. Optics. Astronomy.	Goodwin's Course of Mathematics. Herschel's Outlines of Astronomy. Eton Latin Grammar, Madvig's Grammar.
4. Classics.	Latin. Greek.	
5. English Language & Literature.	Grammar. Literature.	Wordsworth's Grammar, Buttman's Grammar. Latham's English Language. Craik's History of Literature and Learning in England.
6. Modern Languages.	Composition. French. German.	Dehille's, or Dutruc's Grammar. Becker's Grammar, Arnold's 1st German Book.
7. Experimental Sciences.	Italian. Chemistry. Heat. Electricity. Magnetism.	Biagioli's, or Cerutti's Grammar. Fownes' Manual of Chemistry. Lardner's Handbook of Natural Philosophy.
8. Natural Sciences.	Botany. Zoology. Geology.	Lindley's Introduction to Botany. Professor Rymcr Jones' Lectures. Ansted's Elementary Course of Geology.
9. Music.	Vocal. Instrumental. Thorough Bass and Composition.	Hullah's Manual. Burrow's Primer
10. Drawing.	Freehand. Geometrical. Perspective	Marx's School of Composition. Harding's Principles and Practice of Art. Duffin's or Dicksee's Perspective. Butler Williams' Manual of Model Drawing and Perspective.

* The following Works are recommended for consultation:—For Logic, Sir W. Hamilton's "Discussions," No. 4, Appendix 2, Thompson's Laws of Thought. For Metaphysic:—Hamilton's "Reid," Editor's Dissertations, A., B., C., D., D*, D**, D***, "Discussions," 1, 2, 3, 5, 6, Appendix 1.

1862.

NEW SOUTH WALES.

DENOMINATIONAL SCHOOL BOARD.

(REPORT FOR 1861.)

Presented to both Houses of Parliament, by Command.

*Denominational School Board Office,
Sydney, 7 April, 1862.*

SIR,

I have the honor, on behalf of the Denominational School Board, and in compliance with the request conveyed in your letter dated the 1st March last, to enclose herewith the Annual Report of the Board for the year 1861.

I have the honor to be,

Sir,

Your most obedient Servant,

GEO. ALLEN,
Chairman.

THE HONORABLE
THE COLONIAL SECRETARY.

DENOMINATIONAL SCHOOLS.

1861 ACCOUNT.

BALANCE SHEET, DECEMBER 31st, 1861.

RECEIPTS.	£	s.	d.	DISBURSEMENTS.	£	s.	d.
Vote in aid of Denominational Schools for 1861.....	25,000	0	0	Teachers' Salaries.....	17,006	4	6
Church and Schools Estates Revenue, 1860-61.....	846	11	8	Books and Apparatus, including all expenses	1,739	10	10
				Teachers' Travelling Expenses.	262	19	4
				Printing, Stationery, Advertisements, &c.	120	0	9
				Building and Repairing School houses	254	19	7
				Salary and Travelling Expenses R. C. Inspector	333	6	8
				Office Expenses, including Secretary's salary, office rent and contingencies	548	15	2
				Balance, Dec. 31st, 1861.	5,580	14	11
	£		25,846 11 8		£		25,846 11 8

2 DENOMINATIONAL SCHOOL BOARD.—REPORT FOR 1861.

The nominal balance at the debit of the Board on the 31st December, 1861, was £5,580 14s. 11d., out of which the following sums have since been paid on account of services for 1861, viz. :—

	£	s.	d.
Teachers salaries for December, 1861, payable in January, 1862.....	1,633	14	4
Arrears of former months salaries in 1861	156	7	2
Travelling expenses of Teachers	4	5	2
Stationery, Advertisements, &c., (various Denominations)	26	10	1
Books and December expenses of Book Depot	263	0	7
December Salary and Travelling Expenses of E. C. Inspector.....	41	13	4
Building and repairs to School houses	295	5	10
Board Expenses, Secretary's Salary for December, Rent, &c.	61	10	0
Unexpended balance March 31st, 1862.	3,098	8	5
	£	5,580	14 11

Leaving a balance at the present date of £3,098 8s. 5d., which has been set apart in the following manner, viz. :—

	£	s.	d.
Allowances to Female Assistant Teachers in Presbyterian Schools, claims for which are now being received.....	563	0	0
Appropriated to various Schools as salaries but not yet claimed	592	11	0
Set apart for the purchase of Books, &c.	424	0	0
Set apart for building purposes.....	305	6	3
Balance arising from temporary closing of schools, saving of portion of the salary set apart for a Church of England Inspector, and other causes, which balance will however shortly be expended for the benefit of the Schools	1,213	11	2
	£	3,098	8 5

E. E.

C. E. ROBINSON,

Secretary.

RETURNS

RETURNS connected with DENOMINATIONAL SCHOOLS for the year 1861.

DENOMINATION OF SCHOOL.	Number of Schools on the Roll, 31st December, 1861.	Number of Children on the Books, December 31st, 1861.			Average number of Children for each School.			Average Daily Attendance during the year 1861.	VOTE FOR THE YEAR 1861.			Fees paid by Parents to Teachers during 1861.		Total Cost of Children's Education for the year 1861.			
		Boys.	Girls.	Total.	Boys.	Girls.	Total.		Salaries.	Books, &c.	Total.	£	s. d.	£	s. d.		
Church of England	155	4,826	3,792	8,618	35	28	63	6,097	£ 11,738	s. 0	d. 0	£ 1,014	s. 0	d. 0	£ 12,752	s. 0	d. 0
Presbyterian	18	609	513	1,122	38	32	70	842	2,289	0	0	193	0	0	2,487	0	0
Wesleyan	15	495	382	877	38	29	67	615	1,262	0	0	109	0	0	1,371	0	0
Roman Catholic	90	3,075	2,880	5,955	35	33	69	4,018	7,171	0	0	619	0	0	7,790	0	0
Board Expenses .. ..	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
TOTAL	278	9,005	7,567	16,572	.....	.....	.....	11,572	22,460	0	0	1,940	0	0	25,000	0	0
Corresponding Totals for 1860	264	8,701	6,676	15,377	.....	.....	.....	10,674	The same as for the year 1861.			12,454	5	0	37,454	5	0

31 March, 1862.

E. E.

C. E. ROBINSON,
Secretary.

DENOMINATIONAL SCHOOL BOARD.—REPORT FOR 1861.

SCHOOLS.

The Denominational School Board have to report a considerable increase, during the year 1861, in the number of children attending Denominational Schools. The number of schools on the rolls on the 31st of December, 1861, was larger by fourteen than that shown in the tables for the corresponding month in 1860. There appears to have been an increase in the number of children on the rolls of about one thousand two hundred, and in the average daily attendance during the past year of about one thousand, while the amount paid by parents towards the education of the children attending the schools has been larger, by about one thousand three hundred pounds, than that paid during 1860.

In reference to the steps which the Board were enabled to take towards improving the schools in consequence of the increase in the votes for 1859 and 1860, which measures were pointed out in their Report for 1860, the Board have now to add that, owing to a further increase in the vote for the current year, they have been able to initiate arrangements by which they trust that an advantage hitherto unattainable may soon be secured,—namely, the classification of the teachers of Denominational schools. The importance of this measure is very great; it establishes a sound basis for rearranging salaries; it assists in the selection of teachers whose qualifications are more likely to correspond with the importance and requirements of the schools; and it encourages a healthy spirit of emulation among the teachers, the effect of which must be beneficial.

INSPECTION.

An Inspector of Roman Catholic Schools was appointed under the Board in April, 1861, who has since that date visited all the Roman Catholic Denominational Schools.

A full and detailed Report from the Inspector is hereto appended.

An arrangement has been lately completed by which the training master of the Church of England schools, in the Sydney Diocese, will make a tour of inspection throughout the schools of that denomination in the said Diocese.

BOOKS, APPARATUS, AND SCHOOL FURNITURE.

The Board are glad to report that the tedious delay which formerly occurred in procuring books for their schools, owing in a great measure to the poor supply which the Colony afforded, is done away with; a very large proportion of the books and apparatus used in the schools can now be procured in Sydney, at prices quite as low as those for which they could be imported by the Board.

As regards school furniture: this is an item which, until very lately, the Board have been unable to entertain in appropriating the limited funds at their disposal. The growing improvements in the schools generally, however, and a knowledge that such progress must be very much retarded in the absence of proper school furniture, have induced the Board, out of the extended means at its disposal, to give assistance in this particular.

In conclusion, the Board would remark that the few foregoing observations upon the advantages which have attended the slight increases which have lately been made in the funds placed under their control are suggestive of a grave consideration,—whether extended liberality on the part of the Legislature would not be met by largely increased benefits to the interests of denominational education.

GEO. ALLEN.
JOHN DUNSMURE.
P. FAUCETT.
ALEXR. GORDON.

APPENDICES.

- A.—Inspector of Roman Catholic Schools Report, dated 24 February, 1862.
B.—The Very Reverend Archdeacon McEncroe's Letter, dated 3 April, 1862.
C.—The Dean of Sydney's Letter, dated 21 April, 1862.
D.—The Church of England Training Master's Letter, dated 1 March, 1862.

6 DENOMINATIONAL SCHOOL BOARD.—REPORT FOR 1861.

Four are held in the halls underneath churches, twenty-three in churches, and fifty-six in houses or rooms used for no other purpose except in a few instances.

OUT OFFICES.

These appendages to a school are very requisite, and in many instances, where there are two attached to a school, they are so disgustingly kept as not to be fit for use.

No. of schools having two out offices..	36
" " one " office ..	30
" " none ..	17
	<u>83</u>

PLAYGROUNDS.

The value of a playground is of very great importance to a school.

In fact no school can be considered completely organized to which one is not attached, and where they are attached to schools they are not much used in consequence of the pupils being allowed home during recreation.

No. of schools to which there is a playground	62
" " " no ..	21
	<u>83</u>

RESIDENCES FOR TEACHERS.

The want of these appendages to schools is severely felt; some that I have seen attached to schools are not fit to live in.

No. of schools with a residence for the teacher	43
" without ..	40
	<u>83</u>

Of these 43 residences, 33 are in good or fair repair, 6 are in moderate or indifferent repair, and 4 in very bad repair.

SCHOOL APPARATUS.

There are but few schools well organized in this respect, and few persons are aware of the difficulty a teacher has in obtaining anything like good organization in a school; real obstacles are not few; such as—

Deficiency of room,
" of desks,
" of maps,
" of blackboards,
" of books,
Irregularity of attendance,
Inequality of ability,
Objections of parents to particular branches and books, &c.

And in the last case it too frequently happens that the teacher gives way to the parent, and allows various books, not sanctioned, to be used in the school. From the large supply of books which have lately arrived in Sydney for the Roman Catholic Denominational Schools, and the interest which is beginning to be felt in supplying the schools with proper apparatus, viz., desks, maps, and blackboards, I look forward to the disappearance of many of these obstacles.

Organization, with reference to desks, maps, and blackboards, may be tabulated as—

Excellent in	2 schools
Good or fair in	22 "
Tolerable or moderate in	13 "
Indifferent or bad in	36 "
Entirely without apparatus excepting an old map or desk in	10 "
	<u>83</u>

BOOKS.

The position of the schools, with regard to the supply of books, may be ascertained from the following table:—

Supply of books good or fair in 39 schools
" tolerable or moderate in 25 ..
" indifferent or bad in 21 ..
Total.. ..83

FURNITURE.

The supply of school furniture, in the way of book-presses, racks for caps, rostrums, &c., is very deficient.

It is requisite for the efficient conduct of the school that it should possess such furniture, though not necessary for the actual working of the school.

Schools in which the supply is good or fair ..	19
" " moderate	14
" " bad	17
" entirely without furniture ..	33
Total.. ..	<u>83</u>

ROLL BOOKS.

I cannot make this report as replete of information as I intended, in consequence of the very incorrect manner in which the roll books have been kept. The correct and neat keeping of the roll books is a good criterion of the fitness and efficiency of a teacher, and when I have found them so kept, the teachers are invariably efficient, and the schools well conducted. One of my first acts, as I have already stated, is to inspect the roll book; and if I find it negligently or unpunctually kept, there is a great probability that other, and perhaps higher, duties have not been faithfully discharged. Neglected roll books are usually found in connection with some other faults, so that in this book the character and habits of the teacher for the time being are more or less vividly portrayed.

The state of the schools examined, in reference to roll books, may be tabulated as follows:—

No. in which the roll books were correctly kept ..	19
" " moderately kept ..	21
" " badly kept	43
Total.. ..	<u>83</u>

DISCIPLINE

DISCIPLINE.

To obtain good discipline it is necessary that the school should possess a good organization. Every teacher who is acquainted with his duties, and disposed to perform them faithfully, will so arrange beforehand that all his pupils can be supervised from his position in the school without interfering with his main business of teaching; he will have all necessary materials in readiness, so that, when required, no confusion or delay may encourage noise and irregularity. The best attended schools are the best disciplined, and few are dismissed in good order.

The discipline may be thus tabulated:—

Excellent in	7 schools
Good or fair	35 "
Moderate	8 "
Bad	33 "
Total	83

Those marked excellent were all admirable, not only for the quiet and decorum of the children, but for their cheerfulness, alacrity, self-possession, and affectionate desire to please their teachers; those marked "good" or "fair" were all satisfactory in order; the eight marked "moderate" were not so satisfactory; the others were in various degrees faulty, in such ways as talking in seats, or noise and debate and inattentive in class.

PUNCTUALITY.

In many schools the teacher is very lax in enforcing this; their excuses for not doing so are many, such as—"the children would leave," "they have a long way to come," "they are employed by their parents," &c. The one first assigned is most likely to be the one which influences the teacher in not attempting to have his pupils more punctual in their attendance; many important points of discipline and punctuality are passed over without being noticed by the teacher for the same causes; but the great cause is that his school fees, on the following Monday, would be less—which is, in fact, the true cause; and when we come to consider how many of these teachers receive more than sixty pounds a year, the question is solved. The teacher is not punctual, and how can he expect his pupils to be punctual? There is some excuse for teachers in the country, when children have to come a long distance; and it is generally remarked, both in town and country, that those pupils who reside furthest from the school are the earliest in their attendance. Punctuality in attendance may be set down as follows:—

Good or fair in	32 schools
Tolerable or moderate in	11 "
Indifferent or bad in	40 "
Total.. .. .	83

REGULARITY.

Irregularity of attendance is one of the greatest obstacles to the teacher, or to any system of education, and one of the most difficult to be remedied; in very few schools do the children attend regularly for six months, while in others they are such at such times only as the caprice or convenience of parents may dictate. I have reason to think that the system of weekly payments is a great source of much of the irregularity complained of. I have evidence of the fact, that, when a child is kept at home in the beginning of the week, from whatever cause, he is not sent to school till next Monday, because the sixpence or threepence would be paid without its corresponding value in time, the incomparably greater loss to the child, especially in habit, being entirely lost sight of. Where the payments are quarterly, the regularity in attendance is much better.

Regularity of attendance may be thus represented:—

Regularity good or fair in	26 schools.
" moderate in	22 "
" indifferent or bad in	35 "
Total	83

CLEANLINESS.

There is not much to complain of in reference to cleanliness; wherever there is a want of cleanliness, I invariably find it among the boys. The girls are in general far cleaner and neater dressed. Schools may be tabulated with regard to cleanliness as follows:—

Good or fair in	53 schools
Tolerable or moderate in	13 "
Indifferent or bad in	12 "
Total	83

CLASSIFICATION.

The difficulties in obtaining good classification are many, and arise from various causes. One of these is the small number of pupils attending some schools. Where this is the case, the attainments of the pupils will vary to a great extent, and the number nearly on an equality in respect of intellectual development will be small. Another of these is that parents will not have their children taught in classes, while others will not have them taught geography or grammar. But the most important obstacle is the want of skill and experience on the part of the teacher. A table of minimum attainments for each class would assist teachers very much in obtaining good classification. Children are advanced too rapidly from one book into another; before they are acquainted with the "First Book," they are advanced into the "Sequel," and, after a few months, from that into the "Second Book," &c. The same may be said with regard to arithmetic, geography, and writing. Classification may be tabulated as follows:—

Good or fair in	21 schools
Tolerable or moderate in	23 "
Indifferent or bad in	39 "
Total	83

TIME TABLES.

The use of time tables is almost ignored in the Roman Catholic Denominational Schools. The schools which have been inspected may be classified with regard to them as follows:—

Schools with well-arranged Time Tables	4
" tolerable or moderate	4
" indifferent or bad	32
" having no Time Table	43
Total	83

The

8 DENOMINATIONAL SCHOOL BOARD.—REPORT FOR 1861.

The following Table exhibits their proficiency in the several branches of education. I may here remark that the average age of the pupils was considerably less than eight years:—

	No. of Children
Reading—	
Monosyllables.. .. .	331
Easy Narratives	1,297
Poetry and Prose	2,396
Total	4,024
Writing—	
On Slates only	1,539
On Paper	2,348
Total	3,887
Dictation—	
On slates	828
On paper	117
Total	945
Arithmetic—	
Simple rules	1,624
Compound ditto	727
Higher ditto	549
Total	2,900
Geography	1,749
Grammar	1,703
Needlework	1,017
Singing	992
Extra branches	96
Drawing	21

The few remarks which follow on the various branches, are intended to delineate the character of the instruction.

ARITHMETIC.

In some schools instruction can scarcely be said to be given in arithmetic, since it is learned from the book individually, and in such cases I invariably find miserable failure in the simplest elementary principles, while in others it is very efficiently given by means of the blackboard; so much so, that a question once given by one of the English inspectors to twenty candidates for apprenticeship, "from schools too of good name," and answered only by three, was correctly answered by many third and fourth classes in the schools I have examined. This is one of those subjects requiring considerable practical skill and theoretical knowledge, in which many teachers are deficient, and in which their instruction is in consequence imperfect. The irregularity of the pupils in country districts is another impediment to its progress. Mental arithmetic is seldom taught with any degree of proficiency.

READING.

This subject is taught in all the Roman Catholic Denominational Schools; I wish that I could add that it is taught well. There are many defects in the method of giving instruction on this subject:—First, the children have to read a lesson, and are then required to spell a few words each, then sent to their desks, and this is called by the teacher a lesson on reading; secondly, there are no pains taken to see that the meaning of the passage read is understood by the pupils; and thirdly, that the enunciation of the pupils is rapid and indistinct. The pupils should be called upon to give the meaning of words and phrases, to find synonymous terms, and to express in their own words, orally or in writing, the sense of selected passages. Infants might often be taught in larger classes, and their reading lessons might advantageously be taken from their books of geography and grammar, if the class-questions were judiciously adapted to the various capacities of the children.

GEOGRAPHY.

Generally speaking this, though a very extensive subject, is one which is not well taught. There are many obstacles to progress in it:—First, the difficulty of procuring, not only a sufficient supply of maps, but even one or two good maps; secondly, the objection of parents to the teaching of geography; and thirdly, the want of method on the part of the teacher in giving instruction in it; he hears a class in geography as an examiner, not as an instructor. Geography may be thoroughly taught to large classes on the collective system. The method of suggestive interrogation, followed by, or accompanied with, catechetical examination, seems well adapted for teaching this subject to all classes in all elementary schools. No branch of geography should be taught without the aid of a map. Map-drawing is an excellent means of teaching geography; this exercise should be set apart for home lessons. It is not much practised in any of the Roman Catholic Denominational Schools.

GRAMMAR.

In teaching grammar, the mode of parsing is defective, there being no effort to associate the grammatical connexion of the words with the sense of the passage. In many schools the study is necessarily elementary, and all that can be expected of the children is to name the parts of speech. I have not unfrequently heard teachers call up a class to parse; the first boy said "the, the definite article," the next said "fine, an adjective," and so it went on to the last boy in the class. Again it came round to the first boy to parse, and he had to say "to, a preposition," and the second "the, the definite article." We have too much parsing of the above kind in our schools, and too little of the practice of composition. Grammar may be taught by a constructive method, or by a method of progressive development;—a first course of instruction should comprehend all the simple parts of speech, without their inflections, &c.

WRITING.

In consequence of the great deficiency of desks, this is one of the branches in which the proficiency is very unsatisfactory. Ability to write large and middle text, at least fairly, should precede the beginning of small hand, which should never be very small or very angular; and large text should form a frequent exercise, even at the most advanced stages of writing. In many schools there is a great deficiency of copy books, and I have been told by pupils that their parents would not provide them.

WRITING ON SLATES.

No modern method is more valuable than this one, and there is none which, with the aid of a good blackboard, can be turned to a greater variety of school uses; but it is unfortunately, with few exceptions, very little practised in any of our schools.

I have great pleasure in having it in my power to state, that I have noticed considerable improvement on my second examination of some schools, not alone in this, but in every other branch of instruction.

PUPIL-TEACHERS.

There are not half-a-dozen pupil teachers in all our schools, and it cannot be otherwise, when we come to consider the scanty pittance they are offered, viz., fifteen or twenty pounds a year, while they can get much more by turning to any other occupation. Schools with an average attendance of sixty pupils should have a pupil-teacher, or paid monitor, who may be selected by the teacher from among his own pupils; this would be the means of calling up more zeal and industry in the teacher, as well as giving him an opportunity of paying more attention to his advanced classes, and to the pupils in general while writing. The classification of the teachers as soon as possible is of the greatest importance to the improvement of the schools; until it is done, and salaries fixed according to merit, the progress of attainments in the schools will be very slow.

I have, &c.,

WM. P. CASEY,
Inspector of Roman Catholic Schools.

The Honorable
The Chairman of the
Denominational School Board.

APPENDIX B.

Sydney, 3 April, 1862.

Sir,

I have the honor, by direction of His Grace the Archbishop, to submit the following Report of Roman Catholic Schools in connection with the Denominational School Board, for the past year.

1. The number of Roman Catholic Schools receiving aid under the Board during the year 1861, was 93.
2. An Inspector has been appointed, who has visited all the schools, and, it is believed, with good effect.
3. A Model School has been opened at St. Mary's, Sydney, in a spacious and very appropriate building, formerly occupied as a seminary, and is now progressing most satisfactorily under the superintendence of a first class master, with a salary of £120 per annum. A very competent and energetic assistant has also been appointed with a salary of £84 per annum. The number of boys on the roll is 250.
4. An organising and training master has been selected after a competitive examination, who is receiving a salary of £240 per annum, and the appointment is producing favorable results.
5. In order to avail ourselves of the liberality of the Government in voting an additional sum for public education, the necessary steps have been taken to open new schools in the populous districts, to erect proper school houses, and to effect repairs when necessary.
6. Deserving teachers have also received an increase to their stipends, and in some instances the wives of teachers who have been found competent and efficient have been appointed with a salary to instruct the girls.
7. A large supply of books has been received from Europe and distributed to the schools respectively. Steps have also been taken to provide the necessary apparatus and school requisites, for the more effectually carrying out the important work of education.

I have, &c.,

J. M'ENCROE.

C. E. Robinson, Esq.,
Secretary, Denominational School Board.

APPENDIX C.

*Church of England Schools' Office,
21 April, 1862.*

Sir,

I have the honor to acknowledge the receipt of the letter of the Secretary of the Denominational School Board, dated the 8th instant, informing me of the intention of the Board to forward their Report for the year 1861, to the Colonial Secretary, and inquiring whether I have any communication to make prior to its transmission.

In reply, I desire to bring under the notice of the Board some matters with regard to our educational work, and the existing schools of the Church of England in the Diocese of Sydney, as well as the necessity for a grant of increased funds to enable us to extend the means of education to those who are at present entirely debarred from this privilege.

From the inquiries which have been instituted, and information which has been obtained regarding the state of our schools, we have reason to congratulate ourselves upon the improvement which has taken place in many of them, and on our having been enabled to secure teachers of higher character and qualifications than formerly.

In effecting this improvement, the Training and Model Schools have rendered good service; and I would refer to the report of the training master, appended to this letter, as well as that of the previous year, in illustration of the good which has been thus effected. Since the commencement of the training school in 1858, forty-three teachers have been trained and sent out from these schools to take charge of parochial schools in different parts of the diocese, and are now, with few exceptions, engaged in conducting such schools with satisfaction and credit.

The numbers which have passed through the training school from its commencement in September, 1858, have been annually as follows:—

In 1858.....	Three
„ 1859.....	Ten
„ 1860.....	Seventeen
„ 1861.....	Thirteen

While at the present time there are seven in training.

10 DENOMINATIONAL SCHOOL BOARD.—REPORT FOR 1861.

Another matter to which special care and attention has been directed is the supply of our schools with proper books and apparatus. In this a considerable advance has been made, particularly during the past year, although much remains to be done in furnishing our schools to the extent that is desirable. The sum appropriated for books and apparatus by the Board being *one-tenth* of the Parliamentary vote, a scale has been adopted according to which each school is supplied in proportion to the numbers attending; and by the use of the same books in all our schools, uniformity of instruction is aimed at, and is more easily attained.

It is not however to be expected that our schools can be at once raised to the standard we desire to attain, especially when so large a portion of the funds required has to be provided by the voluntary contributions of those concerned, your Board granting nothing for the erection of buildings.

I may here mention two wants which are severely felt in some of our schools, and which I trust may be soon remedied by a more liberal grant of funds. These wants are (1) additional adult teachers, and (2) pupil teachers. For our large schools some additional teachers are needed, with adequate salaries provided by the Board. Some of our masters are paying out of their own pockets for assistance of this kind, and are thus placed at a great disadvantage when compared with the teachers of the National Board; while in scarcely any of our schools are we able to employ pupil teachers, simply because we have no means of paying them; and it should be borne in mind that we are thus deprived of the most effectual means of training up a staff of teachers for future service.

Indeed, when all these things are considered, it would be no matter of surprise if our schools were inferior to what we now find them. That they are in as favorable a condition as I have above stated must be attributed in a great degree to the zeal, diligence and assiduity of those who are employed in them, and who therefore deserve proportionate commendation and encouragement.

During the past year numerous applications have been made from the country districts for the establishment of new schools, amounting in all to twenty-four; but our share of the funds voted by the Parliament being so inadequate to the demands made upon them, no less than eighteen of these applications remain unsatisfied—to the great disappointment of the people in those districts, whose children are growing up in ignorance, and many of them without the means of acquiring even the simplest rudiments of even secular learning. How those who are thus neglected are to be fitted to fulfil their duties as citizens, if they continue where they are, is a question of grave moment.

A complaint is frequently made by those who are desirous of promoting education, that they are unable to obtain assistance for the erection of school buildings from your Board; and although repeatedly informed that the Denominational School Board is not provided by Parliament with funds for such objects, they are not satisfied. The reply is that they cannot perceive either the justice or the equity of such assistance being denied to them, when it is granted to those who are willing to give in their adherence to the system of the National Board. Neither is it, we conceive, consistent with the principle which has been already sanctioned by the Legislature of assisting Denominational Colleges and Mechanics Institutes by Grants-in-aid.

I would beg most respectfully to suggest that our various wants should be represented to the Government, and an urgent application be inserted in their report for an enlarged vote to enable us to meet these claims; and I can hardly suppose that, if the Legislature is made aware of the educational wants of the people, especially in the rural districts, it will refuse to provide us with the means of satisfying their desires.

It may not be uninteresting to the Board to have before them a statement of our educational progress during the three last years, as regards the number of schools, teachers, and scholars. The following memorandum has been compiled from returns in our office:—

1859.		
Schools from which returns were received	.....	68
Teachers—		
Male	.....	58
Female	.....	13
Boys on roll	.....	2,963
Girls on roll	.....	2,116
		5,079
1860.		
Schools—		80
Teachers—male	.....	67
Teachers—female	.....	16
Boys on roll	.....	3,240
Girls on roll	.....	2,189
		5,429
1861.		
School (open.)		93
Teachers—male	.....	77
Teachers—female	.....	24
Boys on roll	.....	3,606
Girls on roll	.....	2,676
		6,282

I would here observe that this return is compiled from the numbers stated to be on the rolls of the different schools during the last quarter of each year. Experience shows that this number is smaller than at some other periods; and it may therefore be fairly inferred that the total number of scholars in actual attendance in our schools during the year is considerably higher than the abstract now given represents.

With reference to this point, I would beg to suggest that it is desirable to insert in the returns which our schoolmasters are required to furnish a column for this additional information, which would have the effect of showing more accurately than at present the number of children who are being educated in the Colony under the Denominational system.

In conclusion let me assure the Board that considering the means at our disposal we have striven to extend as widely as possible the blessings of education in that part of the Colony with which we are concerned; while at the same time it is a source of unfeigned regret that we have not been provided with more ample means to advance the intellectual, moral, and religious condition of the rising generation.

I have, &c.,
WILLIAM M. COWPER.

The Honorable
The Chairman of the
Denominational School Board.

APPENDIX D.

REPORT on the Training Department in connexion with St. James' Model School, Sydney, for 1861.

1 March, 1862.

My Lord,

I have the honour to submit for your information and approval my Report for the past year.

The number of persons who have applied for admission during the year has been forty-two (42).

Of this number—

- 13 passed the preliminary examination, and were admitted to training.
- 4 do. do. and were appointed directly to schools then vacant.
- 10 failed to pass the preliminary examination.
- 3 did not come up to the preliminary examination.
- 5 were refused admission on account of the unsatisfactory character of their testimonials.
- 5 withdrew their application, or retired, after passing the preliminary examination.
- 2 were declined on the score of age and infirmity.

—
42 Total number of applicants.

I come now to speak in detail of those (13) who were in training during the year. Of these—

8 were appointed to schools after passing through a course of study varying in length from six weeks to six months, viz. :—

2 remained in training for 1½ months.

1 do. do. 3 "

1 do. do. 5 "

4 do. do. 6 "

—
8 Total number appointed as Teachers.

1 was dismissed in consequence of having come to his duty in a state of intoxication.
2 left: one, to return to England; the other, because he would not conform to the regulations of the school.

2 remained in training at the end of the year.

—
13 Total number of candidates in training.

On comparing the length of the training course with that of last year, I find that although the average has not risen, *one-half* ($\frac{1}{2}$) of this year's candidates were in training for *six* (6) months, against *one-eighth* ($\frac{1}{8}$) of those of last year. This result, though gratifying, is yet far below what should be aimed at or expected. The principal cause of this short and therefore imperfect training, is to be found in the rapid increase of schools in your Lordship's Diocese, especially during the past two years, and a consequent demand for teachers. And as your Lordship would not desire nor try to prevent this cause of demand, it becomes a serious question whether some more effective plan for obtaining a commensurate supply could not be adopted. I believe that under the present circumstances of the Colony the only feasible system would be the adoption of the plan, in conjunction with our present, of apprentice schoolmasters, or pupil teachers; and I beg to submit the desirability of training up our best pupils into future teachers of our schools.

As regards the progress made by the candidates during the year, I am happy to say it has, in nearly every instance, been satisfactory. I have also great pleasure in adding that my opinion on this point is corroborated by the testimony of the head master of the Model School (Mr. John Huffer), regarding those who have passed under his notice and care. And I believe the Very Revd. the Dean of Sydney, who has had opportunities of observation and inquiry in visiting the schools to which some of these teachers have been appointed, has been favourably impressed with their management and efficiency.

The Right Reverend
The Lord Bishop of Sydney.

I have, &c.,
ISAAC COBURN,
Training Master.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ST. JOHN'S COLLEGE.
(LETTER RESPECTING BY-LAWS.)

Ordered by the Legislative Assembly to be Printed, 10 July, 1862.

RECTOR, ST. JOHN'S COLLEGE, to COLONIAL SECRETARY.

St. John's College,
26 June, 1862.

SIR,

I have the honor to acknowledge the receipt of a letter from the Colonial Secretary's Office, dated 17th instant, inquiring if any By-laws have been passed by the Council of St. John's College since the 26th June, 1860, with the view of having them duly submitted to the Legislature, in compliance with the Act of Parliament.

In reply, I beg to state that no By-laws have been made by the Council of St. John's College since the 26th June, 1860.

I have, &c.,

JOHN FORREST, D.D.,
Rector.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ST. PAUL'S COLLEGE.
(LETTER RESPECTING BY-LAWS.)

Ordered by the Legislative Assembly to be Printed, 10 July, 1862.

BURSAR, ST. PAUL'S COLLEGE, to THE UNDER SECRETARY.

*St. Paul's College,
12 June, 1862.*

SIR,

In reply to your communication requiring to be furnished with copies of By-laws made by the Council from the 24th January, 1859, to the present time, I have the honor to state that none have been made during the said period.

2. A Committee has lately been appointed to make and revise the By-laws, particulars of which, when completed, shall be sent to you.

I have, &c.,

M. METCALFE,
Bursar.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

PRESBYTERIAN COLLEGE BILL.

(PETITION OF REV. JOHN MCGIBBON.)

Received by the Legislative Assembly, 12 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly of New South Wales.

The humble Petition of the undersigned,—

HUMBLY SHEWETH :—

That by the Deed of Grant to the University of Sydney of Land in trust for certain Colleges, one portion of said land is allotted for the erection of a Presbyterian College in connection with the Church of Scotland; and by the Colleges Act, 18 Victoria, No. 37, certain sums of money were granted for the building and endowment of such College.

That of the four sections of Presbyterians into which the Presbyterian body in this Colony is divided, the "Synod of Australia in connection with the Church of Scotland" is the largest, consisting of twenty-two Ministers, and the "Synod of New South Wales" is the smallest, consisting of five Ministers.

That of the last-mentioned section, viz., "The Synod of New South Wales," Dr. John Dunmore Lang, one of the Members of Parliament for Sydney West, is Moderator.

That Dr. Lang, being Moderator of said Synod, and taking advantage of his position as a Member of Parliament, has, of his own motion, and without the knowledge, or authority, or consent of the other sections of the Presbyterian community, introduced a Bill into your Honorable House, for the purpose of establishing a Presbyterian College.

That although the Synod of Australia is the largest section of the Presbyterian communion in this Colony, and has, consequently, the chief interest in the establishment of such a College, it has never been consulted, nor ever acknowledged, in the drawing up of the Bill which has just been introduced by Dr. Lang into your Honorable House.

That in the Deed of Grant of Land for a Presbyterian College, and in the Colleges Act, for aid in the erection and endowment of such College, the "Synod of Australia in connection with the Church of Scotland," is distinctly meant as the section of Presbyterians by which such College should be erected and held.

That the effect of the Bill now introduced by Dr. Lang, and especially of the last clause of said Bill, is to ignore the Synod of Australia as having any special interest in the establishment of such College, to deprive it of its just rights as representing the largest body of Presbyterians in the Colony, and to forestall and prevent any measures which itself may take at its approaching meeting, in October next, for the introduction of a Bill in accordance with its own views.

Your Petitioner, therefore, humbly prays your Honorable House to refuse to sanction the Bill now introduced by Dr. Lang, as a Bill which proceeds from one of the smallest sections of Presbyterians in the Colony, and which is entirely without the approval of the largest section, whose interest it will seriously affect if passed.

JOHN MCGIBBON,

Min., Wool. Pres. Ch.
Sec., Pres. Col. Com.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

PRESBYTERIAN COLLEGE BILL.

(PETITION RELATIVE TO.)

Received by the Legislative Assembly, 4 November, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly of New South Wales.

The humble Petition of the Synod of Australia in connexion with the Established Church of Scotland,—

RESPECTFULLY SHEWETH :—

That the Synod of Australia in connexion with the Established Church of Scotland represents the most numerous section of Presbyterians in the Colony.

That Petitioners have learned with surprise that a Bill for the establishment of a Presbyterian College, professing to be for the benefit of the denomination referred to, is now before your Honorable House.

That this proceeding has taken place without the knowledge and consent of Petitioners, and as believed by Petitioners, without the knowledge and consent of other numerous and influential sections of the Presbyterian Church.

That Petitioners are of opinion that without the consent and co-operation of the general body of Presbyterians, no institution of the kind can be established with any prospect of success.

That no provision being made in the said Bill for the systematic religious instruction of students in accordance with the standards of the Presbyterian Church, it is opposed to the Affiliated Colleges Act of the Colony.

That the said Bill, if passed into law, would seriously interfere with the interests of Petitioners and those whom they represent, in the portion of land vested in the Senate of the University, in trust for a College in connection with the Church of Scotland.

That for these and other cogent reasons, Petitioners earnestly, but respectfully, solicit that the said measure may not receive the sanction of your Honorable House.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 13 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

PRESBYTERIAN COLLEGE BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

18 *November*, 1862.

SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER, PHILLIP-STREET.

1862.

[*Price*, 1s. 5d.]

552—*a*

1862.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF
THE LEGISLATIVE ASSEMBLY.

VOTES, No. 45. TUESDAY, 12 AUGUST, 1862.

24. Presbyterian College Bill:—
- (1.) Dr. Lang moved, pursuant to notice,—
- (1.) That the Bill to Incorporate the Presbyterian College be referred to a Select Committee for consideration and report.
- (2.) That such Committee consist of the following Members, viz. :—Mr. Dalgleish, Mr. Dickson, Mr. Flett, Mr. Gray, Mr. Hay, Mr. Morris, Mr. Robertson, Mr. Walker, Mr. Wilson, and the Mover.
- Motion made by Mr. W. Forster, and Question—That the Question be amended by adding, at the end of Section (1), the words, “and that the Petition of the Reverend John M’Gibbon, presented by Mr. W. Forster this day, be referred to the Committee,”—put and passed.
- And Mr. Forster demanding that the said Committee be appointed by Ballot,—
- Question,—(1.) That the Bill to Incorporate the Presbyterian College, be referred to a Select Committee for consideration and report, and that the Petition of the Reverend John M’Gibbon, presented by Mr. Forster this day, be referred to the Committee,—put and passed.
- Whereupon, the House proceeded to the Ballot, and the Speaker declared the following Members to be the Committee duly appointed :—Dr. Lang, Mr. Hay, Mr. Morris, Mr. Robertson, Mr. Wilson, Mr. Dickson, Mr. Flett, Mr. Gray, Mr. Piddington, and Mr. Walker.
- (2.) Dr. Lang then, *with the concurrence of the House*, moved, (without notice),—That there be referred to the said Committee, the St. Andrew’s or Presbyterian College Bill of 1859, and the Reports of the Select Committees on the subject, of 1858 and 1859.
- Question put and passed.

VOTES, No. 95. TUESDAY, 4 NOVEMBER, 1862.

6. Presbyterian College Bill :—Mr. W. Forster presented a Petition from the Synod of Australia, in connexion with the Established Church of Scotland, against the passing of this Bill, for reasons set forth in the said Petition.
- Petition received.
- Whereupon, Mr. W. Forster moved, That this Petition be referred to the Select Committee now sitting on the said Bill.
- Question put and passed.

VOTES, No. 101. TUESDAY, 18 NOVEMBER, 1862.

7. Presbyterian College Bill :—Dr. Lang, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee to whom this Bill was referred on the 12th August last.
- Ordered to be printed.
- * * * * *

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1862.

PRESBYTERIAN COLLEGE BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on the 12th August last, the "*Bill to incorporate the Presbyterian College;*" to whom were referred, at the same time, the "*Petition of the Reverend John M'Gibbon, presented by Mr. W. Forster that day;*" "*the St. Andrew's or Presbyterian College Bill of 1859, and the Reports of the Select Committees on the subject, of 1858 and 1859;*" and to whom was also referred, on the 4th instant, the "*Petition from the Synod of Australia, in connection with the Established Church of Scotland, against the passing of this Bill, for reasons set forth in the said Petition,*" have agreed to the following Report:—

Your Committee are decidedly of opinion, in common with almost the whole of the witnesses who have given evidence on this Bill, that it would have been greatly preferable for the best interests of superior education, as well as of the community at large, if no Affiliated Colleges Act had been passed by the Legislature, and no such Institutions as Affiliated Colleges been established; but when such an Act has been actually passed—now eight years ago—and two Colleges, an Episcopalian and a Roman Catholic, established on the basis which it forms, it appears to your Committee highly desirable, if not absolutely necessary, that a similar Institution should be formed for the Presbyterian inhabitants of the Colony, as they would otherwise be placed in an inferior position, in regard to education, in comparison with those sections of the community for whose benefit these Colleges have been established, while their youth would be exposed to the proselytizing influences and efforts of other communions. Besides, the establishment of a Presbyterian College under the Affiliated Colleges Act would not only afford a safe and inexpensive residence for Presbyterian youth from the interior, when pursuing their studies at the University, but would enable the ecclesiastical body or bodies representing the Presbyterian communion to form a Theological Institute within the College for the training up, at a comparatively moderate expense, of approved candidates for the holy ministry. It ought also to be borne in mind, that a noble bequest for the establishment of a Presbyterian College in Sydney might be altogether lost to the Presbyterians of the Colony, and be devoted to a totally different purpose, if

such

Vide Mrs. Bailie's letter appended to Mr. George Brown's evidence, page 4.

Rev. Dr. Steel,
No. 218. Dr.
Smith, of the
University of
Sydney, No. 119.
N. D. Stenhouse,
Esq., No. 405.

such an Institution were not established within a limited time. On this subject the Committee would refer to the answers of the various witnesses referred to in the margin.

Although, in accordance with the Standing Orders, the Presbyterian College Bill was introduced into the Assembly as a private Bill, your Committee have regarded and dealt with it throughout as a public Bill, intended as it is for a numerous, although hitherto much divided, section of the community. With this view they have examined witnesses from all the existing portions of the Presbyterian Church, and embodied in the Bill, in accordance with the sentiments expressed by these witnesses—suggestions of various kinds, and from various quarters. Some of these suggestions were scarcely in accordance with the views entertained by the original framers of the Bill; but they deemed it expedient, under existing circumstances, to forego their own opinions in mere matters of detail, to ensure peace on the one hand, and unity and vigour of action on the other.

The Presbyterian College Bill was originally framed in view of the existing divisions of the Presbyterian communion in this Colony; and its framers deeming it expedient and necessary, under such circumstances, that the systematic religious instruction, or as the phrase is generally understood by Presbyterians, the teaching of theology to candidates for the ministry, could only be afforded by the different ecclesiastical bodies of the Presbyterian communion, each acting for itself, they thought it best to provide merely for the literary and secular requirements of the Institution, and to leave the organization of the theological department, properly so called, to the different ecclesiastical bodies representing the Presbyterian communion. The Committee beg to refer, on this point, to the evidence of the witnesses quoted in the margin.

Rev. Adam
Thomson, of the
United Presby-
terian Church,
No. 135.
Rev. Dr. Steel,
No. 256.

In accordance, however, with what appeared to be the general opinion of the witnesses, your Committee have embodied in the Preamble of the Bill, the clause of the Affiliated Colleges Act, providing for systematic religious instruction; and in the 3rd and 4th clauses of the Bill, they have rendered subscription to the Westminster Confession of Faith and the Catechisms, larger and shorter, imperative on all office bearers in the College.

Rev. Dr. Wool-
ley, D.C.L., No.
3, and No. 11.
Dr. Smith, No.
63, and 95.

In regard to the general fitness of the constitution proposed for the Presbyterian College, to carry out the objects of its institution, your Committee would beg to refer to the evidence given by the witnesses referred to in the margin.

Dr. Smith, Nos.
100 and 101.
Rev. Adam
Thomson, Nos.
124, 125, 153, 154,
178, 179.
N. D. Stenhouse,
Esq., Nos. 429,
713.
Mr. George
Brown, Nos. 43,
44, 46, 49, 686,
698.

Referring to the existing divisions of the Presbyterian Church, which have been alleged as a fatal objection to any Bill of this kind, the Committee would also refer to the evidence, on the subject, of the highly competent witnesses quoted in the margin. These gentlemen do not anticipate any difficulty from this source.

As doubts have also been thrown out, as to the likelihood of failure in raising the requisite minimum amount, viz., £10,000 for the establishment of a College on such a basis as this Bill presents,

your

your Committee would refer to the opinions expressed on this subject by the witnesses referred to in the margin. These witnesses are confident, that if this Bill were passing into law, there would be no want of funds to carry out its object.

Dr. Smith, No. 118.
N. D. Stenhouse, Esq., Nos. 707, 708, 713.
Mr. George Brown, Nos. 37, 41.

In regard to the propriety of lowering the franchise or right of voting for the appointment of the Board of Management for the Presbyterian College to the subscriptions of £1, as the minimum, which in certain quarters is regarded as much too low, your Committee beg to refer to the testimony of Dr. Smith and N. D. Stenhouse, Esq., as approving of that arrangement.

Dr. Smith, No. 80.
N. D. Stenhouse, Esq., Nos. 402, 463, 473.

Adverting to the fact that there has hitherto been a great lack of the means of preparatory education, either for a College or for the University, throughout this Colony, your Committee have taken the evidence principally of the gentlemen connected with the University, as to the propriety of making provision within the Presbyterian College for such preparatory education. But the witnesses examined are strongly opposed to any such arrangement, even if it were practicable under the Affiliated Colleges Act, which it is not. Dr. Woolley's evidence on this subject is equally strong and decisive.

Dr. Woolley, Nos. 25, 32.

Taking into consideration the very small number of Presbyterian students that would be likely to present themselves in the first instance, your Committee are decidedly of opinion that it would not only be inexpedient and unnecessary, but absolute folly and madness, to erect buildings for such a College as is proposed, to anything like the minimum amount required to be subscribed and guaranteed for the establishment of a College under the Affiliated Colleges Act, viz., £10,000, which would entitle the subscribers to a similar amount from the public Treasury; but as the seventh clause of the Affiliated Colleges Act does not render it imperative that the whole amount realized should be expended in buildings in the infancy of the institution, and would thus afford the means of bringing up, in subsidiary institutions under the supervision and control of the College authorities, a large number of the Colonial youth of the Presbyterian communion, to the College and University level, they would earnestly recommend that some such course should be adopted.

Affiliated Colleges Act, clause 7.

There are one or two other points of minor importance on which the Bill will itself afford the requisite information. The only suggestion which your Committee would desire to add is, that in the event of the union of the different sections of the Presbyterian communion being effected, the appointment of the six clerical Fellows should be vested permanently in the ecclesiastical body that will then represent the Presbyterian communion.

And your Committee now beg to lay before your Honorable House the Bill as amended by them.

JOHN DUNMORE LANG, D.D.,

Chairman.

Legislative Assembly Chamber,

Sydney, 14 November, 1862.

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 26 AUGUST, 1862.

MEMBERS PRESENT :—

Dr. Lang,	|	Mr. Dickson,
Mr. Flett,	|	Mr. Gray.

Dr. Lang called to the Chair.

Printed copies of the following Papers before the Committee:—

The Bill referred.

Report from the Select Committee in 1858, on the proposed Presbyterian College.

Report from the Select Committee in 1859-60, on St. Andrew's College Bill.

Committee deliberated as to their course of procedure.

Resolved,—That Dr. Woolley and Professor Smith, of the Sydney University, be summoned as witnesses for Tuesday next.

[Adjourned accordingly to Tuesday next, at *Eleven* o'clock.]

TUESDAY, 2 SEPTEMBER, 1862.

MEMBERS PRESENT :—

Dr. Lang in the Chair.

Mr. Morris,	|	Mr. Dickson,
	|	Mr. Piddington.

Professor J. Woolley, D.C.L., *Principal*, Sydney University, called in and examined. Witness withdrew.

Mr. George Brown examined.

Letter from Mrs. H. M. Baillie to Chairman of Select Committee on Presbyterian College Bill, dated Sydney, 1 September, 1862, handed in by witness. (*Vide List of Appendix.*)

Witness withdrew.

Professor J. Smith, M.D., examined.

Witness withdrew.

Petition of Rev. John M'Gibbon, presented on the 12th ultimo, against the Bill, by direction of the Chairman, read by the Clerk.

The Rev. Dr. Steel, and Rev. Adam Thomson, to be summoned as witnesses for Thursday next.

[Adjourned accordingly to Thursday next, at *Eleven* o'clock.]

THURSDAY, 4 SEPTEMBER, 1862.

MEMBERS PRESENT :—

Dr. Lang in the Chair.

Mr. Robertson,	|	Mr. Dickson,
Mr. Morris,	|	Mr. Hay.

Committee deliberated.

Printed copies of the Petition of Rev. John M'Gibbon—on the Table.

Parties called in.

Present :—

Rev. J. M'Gibbon—*Petitioner against the Bill.*

Rev. A. Thomson examined.

Witness cross-examined by Rev. J. M'Gibbon, *Petitioner.*

Rev. Dr. Steel then examined by the Committee.

[Adjourned to Tuesday next, at *Eleven* o'clock.]

TUESDAY, 9 SEPTEMBER, 1862.

MEMBERS PRESENT :—

None.

In the absence of a Quorum, the meeting convened for this day *lapsed.*

FRIDAY,

FRIDAY, 12 SEPTEMBER, 1862.

MEMBER PRESENT :—

Dr. Lang.

In the absense of a Quorum, the meeting convened for this day *lapsed*.

THURSDAY, 18 SEPTEMBER, 1862.

MEMBERS PRESENT :—

Dr. Lang in the Chair.

Mr. Piddington, | Mr. Hay,
Mr. Flett.

The Committee met, pursuant to summons.

Present :—

Rev. J. M'Gibbon, *Petitioner against the Bill*.

Rev. J. Dougall examined.

Witness cross-examined by Petitioner.

Mr. N. D. Stenhouse then examined by the Committee and cross-examined by Petitioner.

[Adjourned to Friday, 26th instant, at *Eleven o'clock*.]

FRIDAY, 26 SEPTEMBER, 1862.

MEMBERS PRESENT :—

Dr. Lang in the Chair.

Mr. Dickson, | Mr. Piddington,
Mr. Morris, | Mr. Flett,
Mr. Walker.

Rev. J. M'Gibbon examined.

At the close of his examination witness requested the Committee to recall Mr. Brown—he not having been aware of his privilege of cross-examining a witness at the time Mr. Brown was examined.

Committee deliberated.

Ordered,—That Mr. Brown be summoned as a witness for Thursday next.

[Adjourned accordingly to Thursday next, at *Eleven o'clock*.]

THURSDAY, 2 OCTOBER, 1862.

MEMBERS PRESENT :—

Dr. Lang in the Chair.

Mr. Dickson, | Mr. Morris.

Mr. George Brown called in and cross-examined upon his former Evidence by Rev. J. M'Gibbon.

Mr. N. D. Stenhouse further examined, and cross-examined by Rev. J. M'Gibbon.

Ordered,—That Rev. W. M'Intyre be summoned to give evidence at the next meeting.

[Adjourned to Tuesday next, at *Eleven o'clock*.]

TUESDAY, 7 OCTOBER, 1862.

MEMBERS PRESENT :—

Dr. Lang in the Chair.

Mr. Morris, | Mr. Dickson.

Rev. W. M'Intyre examined, and afterwards cross-examined by Petitioner.

Certain questions put by Petitioner disallowed.

Whereupon, Petitioner declined putting any further questions.

Witness withdrew.

And—Petitioner requesting to be allowed to call another witness—

Strangers requested to withdraw.

Committee deliberated, and decided upon not taking any further evidence.

The Chairman then brought under the notice of the Committee two Appendices added by Rev. Mr. M'Gibbon to his evidence on revision.

Committee deliberated, and decided that the first Appendix is wholly unnecessary, as it recapitulates evidence taken before a similar Committee in a former Session.

Ordered,—That the second Appendix be printed, together with Mr. M'Gibbon's evidence.

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

[Adjourned.]

TUESDAY,

TUESDAY, 4 NOVEMBER, 1862.

MEMBERS PRESENT:—

Dr. Lang in the Chair.

Mr. Morris,	|	Mr. Dickson,
Mr. Piddington,	|	Mr. Robertson.

Committee met pursuant to summons.

Printed copies of evidence *circulated* during the interval of adjournment.

Previous to the consideration of the Preamble of the Bill,—

Committee deliberated.

Preamble of the Bill considered, and, by consent, amended. (*Vide Schedule of Amendments.*)

Preamble further amended in style.

Motion made (*Chairman*) and *Question*,—That this Preamble, as amended, stand part of the Bill,—*put*.

Committee divided.

Ayes, 3.	|	Noes, 2.
Dr. Lang,	|	Mr. Piddington,
Mr. Morris,	|	Mr. Dickson.
Mr. Robertson.	|	

Clause 1 read.

Motion made (*Mr Piddington*) and *Question*,—That the Clause be amended in the fourth line by adding, after the word "purpose," the following words—"in accordance with Sect. 2 of 18 Vict., No. 37,"—*agreed to*.Motion made (*Mr. Piddington*) and *Question proposed*,—That the Clause be further amended by omitting the word "Trustees," in the 4th, 9th, and 11th lines respectively, with the view to the insertion in their place of the word "Fellows."*Question*,—That the word proposed to be omitted stand part of the Clause,—*put*.

Committee divided.

Aye, 1.	|	Noes, 3.
Mr. Dickson.	|	Dr. Lang,
	|	Mr. Morris,
	|	Mr. Piddington.

Word omitted.

Question then,—That the words proposed to be inserted in place of the word omitted be so inserted,—*put*.

Committee divided.

Ayes, 3.	|	No, 1.
Dr. Lang,	|	Mr. Dickson.
Mr. Morris,	|	
Mr. Piddington.	|	

Motion made and *Question put*,—That the Clause, as amended, stand part of the Bill. Committee divided.

Ayes, 2.	|	Noes, 2.
Dr. Lang,	|	Mr. Piddington,
Mr. Morris.	|	Mr. Dickson.

The Chairman gave his casting vote with the Ayes.

So it passed in the affirmative.

Clause 2 read.

Motion made and *Question put*,—That the Clause, as read, stand part of the Bill.

Committee divided.

Ayes, 2.	|	Noes, 2.
Dr. Lang,	|	Mr. Piddington,
Mr. Morris.	|	Mr. Dickson.

The Chairman gave his casting vote with the Ayes.

So it passed in the affirmative.

Clause 3 read, and, by consent, amended (*vide Schedule of Amendments*).Motion made and *Question put*,—That the Clause, as amended, stand part of the Bill.

Committee divided.

Ayes, 2.	|	Noes, 2.
Dr. Lang,	|	Mr. Piddington,
Mr. Morris.	|	Mr. Dickson.

The Chairman gave his casting vote with the Ayes.

So it passed in the affirmative.

Clause 4 read, and, by consent, amended. (*Vide Schedule of Amendments*.)Motion made and *Question put*,—That the Clause, as amended, stand part of the Bill.

Committee divided.

Ayes, 3.	|	Noes, 2.
Dr. Lang,	|	Mr. Piddington,
Mr. Morris,	|	Mr. Dickson.
Mr. Robertson.	|	

Clause

Clause 5 read.

Committee deliberated.

Motion made (*Mr. Morris*) and *Question*,—That the Bill be amended by the omission of said Clause,—*agreed to*.

Clause struck out.

Clause 6 (now 5) read and verbally amended. (*Vide Schedule of Amendments*.)

Motion made and *Question put*,—That the Clause, as amended, stand part of the Bill. Committee divided.

Ayes, 3.	Noes, 2.
Dr. Lang,	Mr. Piddington,
Mr. Morris,	Mr. Dickson.
Mr. Robertson.	

Clause 7 (now 6) read and, by consent, amended. (*Vide Schedule of Amendments*.) Motion made and *Question put*,—That the Clause, as amended, stand part of the Bill. Committee divided.

Ayes, 3.	Noes, 2.
Dr. Lang,	Mr. Piddington,
Mr. Morris,	Mr. Dickson.
Mr. Robertson.	

Clause 8 (now 7) read and amended.

Motion made (*Mr. Morris*) and *Question proposed*,—That the Clause be further amended in the third line, by the omission of the words "one vote," with the view to the insertion of the words "five votes."

Question put,—That the words proposed to be omitted stand part of the Clause. Committee divided.

Ayes, 3.	Noes, 2.
Dr. Lang,	Mr. Morris,
Mr. Dickson,	Mr. Piddington.
Mr. Robertson.	

Motion made (*Mr. Piddington*) and *Question*,—That the Clause be further amended, in the same line, by the omission of the word "ten," with the view to the insertion of the word "five"—*agreed to*.

Motion made (*Mr. Piddington*) and *Question*,—That the Clause be further amended, in the 4th line, by inserting, after the word "votes," the words "every subscriber of ten pounds three votes"—*agreed to*.

Motion made (*Mr. Piddington*) and *Question proposed*,—That the Clause be further amended, in the same line, by the omission of the word "fifty," with the view to the insertion of the word "twenty."

Question put,—That the word proposed to be omitted stand part of the Clause. Committee divided.

Ayes, 3.	Noes, 2.
Dr. Lang,	Mr. Piddington,
Mr. Morris,	Mr. Dickson.
Mr. Robertson.	

Motion made (*Mr. Piddington*) and *Question*,—That the Clause be further amended, in the 5th line, by the omission of the word "three," with the view to the insertion of the word "four,"—*agreed to*.

Motion made (*Mr. Robertson*) and *Question*,—That the Clause be further amended in lines 6, 7, and 8, by the omission of the words "residing more than ten miles from Sydney" to be allowed to transmit their voting papers to some person or persons duly appointed for "the purpose by post," with the view to the insertion in their place of the words "not present at any such meeting who may authorize in writing any other subscriber shall be allowed to vote by proxy,"—*agreed to*.

Further amendments agreed to. (*Vide Schedule of Amendments*.)

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

Ayes, 2.	No, 1.
Dr. Lang,	Mr. Dickson.
Mr. Robertson.	

Clause 9 (now 8) read.

Motion made and *Question put*,—That the Clause, as read, stand part of the Bill. Committee divided.

Ayes, 2.	No, 1.
Dr. Lang,	Mr. Dickson.
Mr. Robertson.	

Clause 10 (now 9) read.

Motion made and *Question put*,—That the Clause, as read, stand part of the Bill. Committee divided.

Ayes, 2.	No, 1.
Dr. Lang,	Mr. Dickson.
Mr. Robertson.	

Clause 11 (now 10) read, and, by consent, amended. (*Vide Schedule of Amendments*.)

Motion

Motion made and *Question put*,—That the Clause, as amended, stand part of the Bill.
Committee divided.

Ayes 2.	No, 1.
Dr. Lang, Mr. Robertson.	Mr. Dickson.

[Committee then adjourned to Thursday next, at *Eleven o'clock*.]

THURSDAY, 6 NOVEMBER, 1862.

MEMBERS PRESENT:—

Dr. Lang in the Chair.

Mr. Wilson, Committee deliberated, and		Mr. Walker.
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[Adjourned to Friday, 14th instant, at *Eleven o'clock*.]

FRIDAY, 14 NOVEMBER, 1862.

MEMBERS PRESENT:—

Dr. Lang in the Chair.

Mr. Wilson, Mr. Morris,		Mr. Robertson, Mr. Gray, Mr. Dickson.
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Copies of the Petition from the Synod of Australia, in connexion with the Established Church of Scotland, against the passing of the Presbyterian College Bill,—referred on the 4th instant,—before the Committee.

Committee deliberated and *Resolved*,—That the objections made by the Petitioners have been met by the amendments made in the Bill by this Committee.

The Chairman then submitted Draft Report.

The same read, considered, and amended.

Motion made and *Question*,—That this Report be the Report of the Committee,—*agreed to*.

Chairman to report the Bill, as amended, to the House.

SCHEDULE OF AMENDMENTS.

- Page 1, Preamble, line 3. *After* "wherein" *insert* "systematic religious instruction in accordance with the Westminster Confession of Faith and the Larger and Shorter Catechisms of the Presbyterian Church shall be afforded and"
- Page 1, Preamble, line 3. *Omit* "shall be"
- Page 1, Preamble, line 8. *Before* "consent" *insert* "advice and"
- Page 1, Preamble, line 10. *After* "assembled" *insert* "and by the authority of the same"
- Page 1, clause 1, line 4. *After* "purpose" *insert* "in accordance with section two of "eighteen Victoria number thirty-seven"
- Page 1, clause 1, line 4. *Omit* "Trustees"; *insert* "Fellows"
- Page 1, clause 1, line 9. *Omit* "Trustees"; *insert* "Fellows"
- Page 1, clause 1, line 11. *Omit* "Trustees"; *insert* "Fellows"
- Page 2, clause 3, line 1. *After* "Corporate" *insert* "shall consist of a Principal and "eighteen Fellows of whom six shall be ordained Presbyterian ministers and twelve "laymen all of whom shall previous to their entrance upon office sign the said "Westminster Confession of Faith and the Catechisms Larger and Shorter and"
- Page 2, clause 4, lines 1 and 2. *Omit* "And whereas it is expected that there will in due "course be certain Divinity and other"; *insert* "So soon as there shall be one or "more"
- Page 2, clause 4, line 2. *After* "Professors" *omit* "and"; *insert* "or"
- Page 2, clause 4, lines 3 and 4. *Omit* "as well as"; *insert* "or"
- Page 2, clause 4, line 4. *Omit* "certain"
- Page 2, clause 4, line 4. *After* "branches" *insert* "of education"
- Page 2, clause 4, lines 5, 6, and 7. *Omit* "so soon as there shall be one or more such "Professors or Tutors appointed by or with the concurrence of the Board of "Management"
- Page 2, clause 4, line 7. *After* "Principal" *insert* "and"
- Page 2, clause 4, line 7. *After* "Professors" *omit* "and"; *insert* "or"
- Page 2, clause 4, line 7. *After* "together" *insert* "on their signing the said Westminster "Confession of Faith and Catechisms Larger and Shorter but not otherwise."
- Page 2, clause 4, line 11. *After* "Professor" *insert* "or Tutor"
- Page 2, clause 5. *Omit* said clause
- Page 2, clause 6 (now 5), line 1. *After* "Principal" *insert* "and"

- Page 2, clause 6 (now 5), line 1. *After "Professors" omit "and"; insert "or".*
 Page 2, clause 7 (now 6), line 4. *Omit "Five Students"; insert "Ten subscribers"*
 Page 2, clause 8 (now 7), line 1. *Omit "Trustees"; insert "Fellows"*
 Page 3, clause 8 (now 7), line 1. *Omit "Ten"; insert "Five"*
 Page 3, clause 8 (now 7), line 2. *After "votes" insert "every subscriber of ten pounds
 " three votes"*
 Page 3, clause 8 (now 7), line 3. *Omit "three"; insert "four"*
 Page 3, clause 8 (now 7), lines 4, 5, and 6. *Omit "residing more than ten miles from
 " Sydney to be allowed to transmit their voting papers to some person or persons
 " duly appointed for the purpose by post"; insert "not present at any such meet-
 " ing who may authorize in writing any other subscriber shall be allowed to vote
 " by proxy"*
 Page 3, clause 8 (now 7), line 6. *Omit "Trustees"; insert "Fellows"*
 Page 3, clause 8 (now 7), line 7. *Omit "to Twelve"*
 Page 3, clause 8 (now 7), line 7. *Omit "six" insert "Fellows"*
 Page 3, clause 8 (now 7), line 8. *After "elected"; insert "on the first convenient oppor-
 " tunity"*
 Page 3, clause 11 (now 10), lines 11 and 12. *Omit "other standards of the Presbyterian
 " Church although"; insert "Catechisms Larger and Shorter including such as"*
 Page 3, clause 11 (now 10), line 12. *Omit the final syllable "ing" in "objecting"*
 Page 3, clause 11 (now 10), line 12. *Omit "section" insert "chapter"*
 Page 3, clause 11 (now 10), line 13. *After "powers" insert "of"*
 Page 3, clause 11 (now 10), line 13. *After "and" insert "to some"*

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1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

PRESBYTERIAN COLLEGE BILL.

TUESDAY, 2 SEPTEMBER, 1862.

Present:—

MR. DICKSON,
DR. LANG,

MR. MORRIS,
MR. PIDDINGTON.

THE REV. J. D. LANG, D.D., IN THE CHAIR.

John Woolley, D.C.L., Principal Professor in the University of Sydney, examined:—

1. *By the Chairman:* Have you perused the Bill to incorporate the Presbyterian College? John Woolley,
D.C.L.
I have.
2. Does it appear to you that the constitution which that Bill proposes for the contemplated institution would be likely to prove conducive to the ends proposed? That is a very general 2 Sept., 1862.
question—do you mean in reference to the internal constitution of the College?
3. Its general constitution? I have read the Bill almost entirely with a view to the academical position of the institution; I have considered it simply so far as the relations of the College to the University are concerned. There are some few points with which I do not agree, but, generally, the Bill seems to me to carry out the plan of the Colleges.
4. Have you compared the present Bill with the St. Andrew's College Bill of 1859? I have read them both.
5. What is your opinion of the two Bills as compared with each other? Does your question refer to the internal constitution of the College or its relation to the University?
6. To either—to both? In some respects the St. Andrew's College Bill seems to be more distinct in indicating the relation of the College to the University than this Bill to incorporate a Presbyterian College. I would rather not give any opinion as to the internal government of the College (with one exception), as I do not belong to the Presbyterian Church.
7. Do you approve of the substitution of "trustees" for "fellows," in the proposed constitution of the Presbyterian College, as the designation of the governing body? Of course I have a weakness in favour of the word "fellows," as being an old academical word; but I have not read the Bill carefully enough to notice whether there is a distinction of more than name—whether there is a difference of character between the proposed "trustees" and the "fellows" of the other College.
8. Is not the word "fellows" always considered an academical title? Yes. It means the governing body of a College within a University.
9. Does it not also mean persons who have themselves been educated within the College or University? As a fact, of course it does now, but it did not at the institution of many Colleges in Oxford or Cambridge; persons were then brought often from different Universities, sometimes from foreign countries; and at the present time very few of the fellows of the two great London Colleges—King's College and University College—have been educated within the walls of those institutions.
10. Does it not seem incongruous to give an academical title to tradesmen and people in business who may be members of this governing body? They have to perform academical functions, and the incongruity will only last for a generation, probably. It may seem somewhat incongruous that tradesmen should be called upon to take any part in the management of a College, but that seems inevitable at the beginning of an institution like this.

John Woolley, D.C.L.
 2 Sept., 1862.

11. Do you approve of the institution of a body, under the designation of a Faculty, for the educational management of the institution, as distinct from the general Board of Management? Yes, decidedly; that is in keeping with the constitutions of both English and Scotch Universities, particularly the Scotch.

12. Are there any fellows in Scotch Universities, are you aware? I believe not; but then there is nothing in Scotland at present like the College you propose to establish here.

13. Do you approve of the proposal in the 5th clause of the Bill, that the Principal of the College shall not be eligible to hold the office of professor of divinity in the College? I do not, I confess, see the reason of it. It seems to me that the real object in establishing such Colleges as this is to add to the training of the University religious teaching, tutorial help, and moral guidance generally; and in the Church of England College, and I think in the Roman Catholic College, the Warden and Rector respectively are the teachers of divinity. There may be some reason particularly applicable to the Presbyterian Church, for such a restriction as this; but it seems to us to be natural that the Principal of the College should be the teacher of divinity. In most of the Oxford Colleges the head of the College does take divinity teaching.

14. I may state, as the reason, that there is a section of the Presbyterian body who are strongly opposed to all aid for the support of religion from the State, and by having the Principal of the College a professor of divinity and receiving a salary from the Government, we would render the whole institution obnoxious to that section of the Presbyterian community? It seems after all that the Presbyterian College must be a College for the propagation of religious teaching. It appears to me that the chief business of these Affiliated Colleges is to supplement religious teaching to those who want it. There is no meaning separate from their ecclesiastical character. The idea of those who proposed the College was, that as the University has no particular creed, those who wish to have theological teaching in connection with the University should establish Colleges for the purpose.

15. But do you not suppose the object could be accomplished without making the Principal a stipendiary of the State as professor of divinity? You might get rid of the difficulty, perhaps, in the Presbyterian Church, by this means.

16. In the 8th clause of the Bill, it is provided that the Principal and the first eighteen trustees shall be elected by the subscribers to the funds of the College; every subscriber of £1 to have one vote, of £10 two votes, and of £50 or upwards three votes—do you approve of such an arrangement? It seems to me a very reasonable one, that is, that there should be a gradation of votes according to the amount of subscriptions. I think it is carried out in the other Colleges.

17. There was no provision of that kind in the St. Andrew's College Bill? No.

18. Do you not think it should be one great object in such an institution to interest the humbler classes—the industrious classes—in its establishment and maintenance? No doubt it would be a very good thing, if the humbler classes were made to understand the bearing of the institution generally on their real welfare and that of their children; and, of course, by encouraging subscribers of small sums, you would call their attention to it.

19. You think the gradation of votes, according to these different sums, is a reasonable one? Yes; and it would no doubt have that particular effect, that it would induce attention on the part of working men to the College; it might also excite their ambition for their children.

20. Do you think it desirable to give persons of great wealth, who may subscribe large amounts, an interest in the institution in proportion to the amount of their capital? I think it might become a tyranny. There should be a limit, no doubt, and that not a very high one.

21. Do you think this a proper limit, three votes for £50? Yes; it seems to me dangerous to hold out an indefinite number of votes as a bait for extremely great subscriptions.

22. Do you approve of the 9th clause of the Bill, that all subsequent appointments, after the first, should be made by the Board of Management? Yes, certainly; it is far more convenient to have the elections made by the working body.

23. Is it not necessary that the first appointments should be made by the subscribers? Yes, I think it could hardly be otherwise. In the Church of England College the subscribers appointed the first officers.

24. Do you think a power of making by-laws, subject to the approval of the Governor, would meet the additional demands of the institution? I think so; it exists in the two Colleges at present established, and they seem to find no difficulties.

25. Do you think the constitution of the Affiliated Colleges generally would be improved by allowing a certain period, say two years, of preparatory education before entering the University? I do not, for two reasons—one is, that it has been often tried and has not succeeded. They tried in some of the Oxford Colleges to unite a school with the College, and the attempt has always been found to be a failure; they are now obliged to separate the school entirely from the College, and put it in a different part of the town. There is no profit in trying to make the same organization work for the government of young men and boys at school. It is expensive and confusing. What seems to be in favour of it would be this, that many young men in the bush cannot well get preparatory training for the University, but the Senate have met that, by allowing a year's residence in a College, under the present regulations, before matriculation; they construe the word "immediately" to mean between two matriculations. Now I think young men can get in a year all the preparatory training they are ever likely to want. One year of tutorial help should always be enough. In England young men never go for more than a year to a tutor before entering the University. I also think it might lead to misunderstandings between Colleges of the University in some cases.

SELECT COMMITTEE ON THE PRESBYTERIAN COLLEGE BILL.

26. Do you not think it very desirable for the interests of the students that there should be preparatory training elsewhere, of a general character, before they come to the College at all? I think it is extremely desirable that the schools should be improved throughout the country, but you never can supply the particular training of a school by any other institution. I am quite sure, for many reasons, that a school is the very best preparation for the University, if a boy has ordinary talents.

John Woolley,
D.C.L.
2 Sept., 1862.

27. Have you any suggestions to make with regard to omissions or redundancies in this Bill? By the 7th section I see that a certain share in the government of the College is proposed to be given to the undergraduates. Now certainly I have nothing to say against our undergraduates, they are as well-disposed and tractable as I could wish, but I think that whilst young men are *in statu pupillari* it would be very dangerous indeed to accustom them to take any part in the government of the College, directly or indirectly. I think, if they once come to consider themselves qualified to express an opinion in such matters at the age at which they are, from sixteen to nineteen, it would produce a great deal more mischief than any possible good that can result.

28. Are you aware that in Scotch Universities the youngest pupils have part equally with the oldest in the election of the highest officer, the Rector? I think the election hardly so dangerous a power to give them as the power you give them here, to call a meeting of the Board of Management at any time, if they think themselves aggrieved or do not approve of the proceedings of their governor. I think it would weaken the reins of government very much. It is impossible but the best governor should sometimes offend the young men; and I think it better they should even bear a little over-harshness at times, rather than they should get the habit of questioning the proceedings of those set over them.

29. You would propose to omit that? Yes, I would rather say five members of the Board of Management.

30. *By Mr. Morris*: Or a less number? Yes, I do not care how many. I would rather not accustom the undergraduates to take any share in the government. There is one other point I would call attention to, which at first sight appears of no consequence. In the 4th section you provide for the appointment of "professors." Now, you are aware that the word "professors" has always been taken to mean the teachers in a University itself, as opposed to teachers in separate Colleges, and I think giving the title of professors to teachers in Colleges would lead to great inconvenience. In the first place, we have by-laws which can only apply to professors under the immediate control of the University; and I think the object of a College should not be to multiply subjects of study within its own walls. The object of the University is to teach young men all that they can, without violating conscience, learn in common—all secular teaching—so as to accustom men to work in harmony as far as possible, notwithstanding religious differences; leaving theological teaching to be provided by the respective Colleges. The name of professor might, perhaps, be given to teachers of theology, but I think it would be advisable if the word were left out of the Bill.

31. *By the Chairman*: There is one reason for retaining the word, that a splendid benefaction has been made to this College for the endowment of two professorships? But I should suppose the mere name "professor" would not be of any material consequence to that. I do not think it likely the Senate would object to giving the title of "professor" to theological teachers, but I am sure they would object to its being applied to any other teachers, simply because it would confuse the relations of the two institutions. I should just like to say, as to the general question, that I really think there is every reason to hope the Colleges will be successful. There will be a very large addition to the pupils in the Church of England College next year.

32. *By Mr. Morris*: Would there be any objection to permitting this College to act during the first, say ten, years of its existence as a school? I doubt whether it would answer. Of course, if you give the power to this College you must give it to all; and though it might be safe in one instance, it might not, from particular circumstances, be safe to give it generally. I think the organization required for a College is quite different from the organization required for a school. It seems to me you would have neither a good school nor a good College. If we had a few more public schools in the country they would do more good than can be done by trying to unite two institutions which have never been successfully united.

Mr. George Brown called in and examined:—

33. *By the Chairman*: You are Chairman of the Committee of Management of the Scots' Church, and one of the Elders? Yes.

Mr. G. Brown.
2 Sept., 1862.

34. You are one of the promoters of this Bill? Yes.

35. Are you aware that the statement in the preamble, to the effect that considerable funds have been subscribed for the establishment of a Presbyterian College, is in accordance with fact? Yes, considerable funds have been subscribed; and besides, there has been bequeathed by a gentleman (since deceased) a considerable amount—in fact, all his property—for the endowment of two professorships in connection with the College; and I may also state that Mrs. Baillie, the widow of the deceased, has likewise subscribed an additional amount of £500, in proof of which I have a letter to hand to the Committee from Mrs. Baillie. (*Vide Appendix.*)

36. Are you aware that any further sums have been subscribed for a College on this basis? Yes, I have a list of some of them:—Mr. S. D. Gordon, £100; Mr. Andrew Lang, £100; Mrs. Ramsay, Dobroyd, £50; Mr. Duncan Campbell, £50; Mr. Alderman Woods, £50; Miss

Mr. G. Brown. Miss G. Mackie, £25; and a number of smaller subscriptions, amounting altogether to about £1,000, or rather more. I may also state that the greater part of this amount has been subscribed in connection with the church of which I am a member, and I have no doubt that if an appeal had been made to the public generally there would have been a much larger amount.

2 Sept., 1862.

37. What do you think requisite to call forth the liberality of the Presbyterians of the Colony generally in favour of such an object? That it should be founded on a popular and liberal basis as far as practicable.

38. Do you think that if such a Bill as the one before this Committee were passed into an Act it would form a sufficiently popular basis for calling forth the subscriptions of the Presbyterians of the Colony generally? I believe it would.

39. You do not apprehend that in such an event there would be any want of funds? No, I believe not.

40. What is the amount that must be subscribed before the College can get into operation? £10,000.

41. And you do not think there would be any difficulty in raising that sum if the College Act were once passed? I think not.

42. *By Mr. Dickson:* I think you state that this Bill would be likely to be acceptable to the Presbyterian body? I think it would.

43. Are the Presbyterians of the Colony all harmonious within themselves as a body? No, but I have reason to believe that if such a Bill as this were passed the laity generally would be in favour of it, and it might be the means of uniting Presbyterians more cordially than they have hitherto been.

44. How many different sections of Presbyterians are there in the Colony, are you aware? There are four, I think.

45. Will you name them? There is the Church in connection with the Established Church of Scotland, the Free Church, the United Presbyterian Church, and the Synod of New South Wales.

46. Do you think a Bill of this character would be acceptable to all these sections of the Presbyterian Church? I have reason to believe it would. There is nothing exclusive or denominational about it; it meets all equally.

47. You think the Bill would be the means of uniting the various sections of the Presbyterian Church? I am inclined to believe it would.

48. When you say there would be no difficulty in raising the funds required, of course you believe that it would be by uniting the various bodies? Yes.

49. Unless the various sections of the Presbyterian Church were united, would you deem it desirable that a Bill should be passed to incorporate a Presbyterian College? I think if it is to be the means to an end that the Bill should be passed without waiting for their being united in the first instance, because I think the Bill would facilitate the union.

50. If there are grounds to believe that the majority of Presbyterians are opposed to the Bill, do you think it ought to be passed? If there are sufficient grounds to believe that the majority are opposed to it, I think it ought not.

51. Were the amounts you mentioned all the subscriptions that have been made on account of a Presbyterian College? Not exactly all; there were other smaller subscriptions.

52. What may be about the amount altogether subscribed and promised? I think between £1,000 and £1,200.

53. Was that amount subscribed for a College as proposed by this Bill? A Bill on a similar basis; not exactly for this Bill that I am aware of, further than Mrs. Baillie's subscription, which was in favour of the Bill.

54. *By the Chairman:* This is the same Bill as that which was submitted to the Assembly, as you may recollect, about three years ago? I believe the Bill to be the same.

55. Do you believe that the subscriptions you have named were for this Bill in particular? They were for a Bill exactly similar, not for the Bill before the House at present, I think.

56. *By Mr. Dickson:* You have read the Bill carefully? Yes.

57. And you believe the provisions of the Bill meet the wants and views of the majority of the Presbyterian body? Yes, I believe so.

58. *By Mr. Morris:* Do not all the various sections of the Presbyterian Church hold the same rule of faith? Exactly.

59. They merely differ about some minor points? Yes, they do not differ in essentials; they differ more particularly with reference to the power of the Civil Magistrate.

60. Do they all hold the Westminster Confession of Faith? Yes, except on the section relating to the power of the Civil Magistrate.

61. Then this Bill by the 11th clause provides for all these different sections of the Presbyterian Church, so as to enable them all to meet on common ground? Yes, the last clause.

APPENDIX.

Sydney, 1 September, 1862.

Sir,

As I understand that a Select Committee of the Legislative Assembly has been appointed to take into consideration a Bill to incorporate a Presbyterian College for Sydney, I beg to refer to a letter of mine to the College Committee of 1859, in which I informed that Committee that my late husband, John Hunter Baillie, Esq., had bequeathed the whole of his property, subject to my life-rent, for the endowment of two professorships in a Presbyterian College in Sydney, and that I would myself subscribe five hundred pounds for the establishment of such a College. I beg to repeat this offer to the College Committee of the present year.

I am, &c.,

HELEN M. BAILLIE.

To the Chairman of the Select Committee
on the Presbyterian College.

John

John Smith, Esq., M.D., Professor of Chemistry and Experimental Physics in the University of Sydney, examined:—

62. *By the Chairman:* Have you perused the Bill to incorporate the Presbyterian College? I have. John Smith,
Esq., M.D.
63. Does it appear to you that the constitution it proposes to establish for the future College would be likely to prove conducive to the ends in view? Yes, I think it is a very fair constitution, assuming that such a College is necessary or desirable. 2 Sept., 1862.
64. You see no insurmountable objections to the proposed constitution generally? No, I see none.
65. Have you compared the present Bill with the St. Andrew's College Bill of 1859? Yes, but not very minutely; I read them over together last night.
66. Do you regard the constitution proposed in the present Bill as superior to that proposed in the St. Andrew's College Bill? I think there are certain points where the present Bill is superior to the other Bill.
67. Do you approve of the substitution of "trustees" for "fellows" in the 3rd clause? Yes, I approve of that change, "fellows" being a term not employed in Scotch Universities or Colleges.
68. Is not the word "fellow" understood to be an academical title in England, where it is used? Yes, it has indeed the character of an academical degree; it is not counted a degree, but it has the character of a degree, and implies a certain training.
69. It implies that the person holding the office has passed through a regular academical curriculum? Yes, and not only so, but with honor.
70. Is it not incongruous therefore to give such a title to people in business, tradesmen and others, who may be connected with the government of an institution? I prefer the term "trustee" for a College for people of Scotch descent, as more in accordance with usage in Scotland.
71. Are there any "fellows" in any of the Scotch Colleges or Universities? None.
72. The title is unknown in Scotland? It is unknown in Scotch Universities, to the best of my information.
73. Are you acquainted with the constitutions of any of the American Colleges—such as Yale College, Columbia College, or the University of Pennsylvania? I have read reports from certain of those Colleges.
74. What is the name of the governing body in all those institutions? I have in my hand a report from the Columbia College of New York, where the governing body is described as "Trustees of Columbia College." This is dated in 1836, and there may of course have been changes since then. Here is another report of the University of Pennsylvania, dated in 1840, where the governing body is again described as "trustees"; and a report from Yale College, dated in 1839, but here the governing body seems to be designated simply the "Corporation,"—I do not find the term "trustee" used here; but in none of them do I find the term "fellow." In a "Catalogue of the officers and students of the College of New Jersey," dated 1839, the governors are styled "trustees."
75. Do you approve of the arrangement under which it is provided, in clause 5 of the Bill, that the Principal shall not be eligible to hold the office of professor of divinity in the said College? I think the Principal should not be prevented teaching divinity. There might be an objection to giving the Principal the title of professor of divinity, but I think he ought not to be prevented teaching divinity.
76. As the Principal has a salary from the State *ex officio*, would it not be offensive to those Presbyterians who object to the connection of Church and State, if he were recognized as a professor of divinity? I scarcely know how such bodies are to get over the difficulty of receiving aid from the State for the College at all. It must be to a certain extent a compromise. I totally object to these Colleges myself. I object to the State doing anything to support religious instruction in that form; but if it is to be done, I do not know that those who hold the voluntary principle should refuse to avail themselves of the advantages of the College. If they do avail themselves of those advantages it must be by a compromise. The thing being there, I do not see why the Principal, who is supported by the Government, should be prevented teaching divinity.
77. Could there not be a professorship of divinity established on the voluntary system by the Presbyterians of the Colony who are opposed to the connection of Church and State? If the professor of divinity were to teach within the College they would still be making use of the Government endowment in a certain way, such as in the use of the class-rooms. I do not think it is a matter they need be very squeamish about. I do not think it is worth while drawing a very fine line. If persons attend a professor who uses one of those class-rooms that has been built by the Government money and stands on public ground, they are to that small extent using the Government endowment.
78. Do you approve of the arrangement in the 8th clause of the Bill, that the Principal and the first eighteen trustees shall be elected by the subscribers to the funds of the College, every subscriber of £1 to have one vote, of £10 two votes, and of £50 or upwards three votes? I am doubtful if it be advisable to let the subscribers elect the Principal. The subscribers ought certainly to elect the trustees, and this method of voting seems to me very fair; but the trustees being appointed, I rather think it would be better that the trustees should make all the other appointments of Principal and teachers.
79. It is proposed in the 9th clause that all subsequent appointments after the first, whether of Principal, professors, or tutors, shall be made by the Board of Management—do you approve of that arrangement? Yes, but I would go further, and would have all appointments, whether first or subsequent, to be made by the Board of Management.
80. Do you think it desirable to give the industrious classes an interest in the institution

by

John Smith, Esq., M.D. by holding out an inducement to them to subscribe the small amount that is mentioned as a minimum for the establishment and endowment of the College? Decidedly, I would let it have as wide a basis as possible.

2 Sept., 1862.

81. Do you approve of the limitation of votes as proposed in the 8th clause, two votes for £10, and three votes for £50 or upwards? The principle of the limitation is good, but it would require more consideration than I have given it to enable me to say that I agree entirely with this particular limit. At first sight it seems fair.

82. Is it not desirable to prevent the institution from getting into the hands of a few capitalists? Yes.

83. Is it not necessary for that purpose to limit the pecuniary power of such members of the institution? Yes, though I am not sure that you might not allow the money power to go a little further than this.

84. Do you suppose the power of making by-laws proposed under the 10th clause of the Bill would meet all the additional requirements of the institution beyond those that have been mentioned? Yes, I think this would give them sufficient power to carry out properly the intent of the Bill.

85. Do you think that the constitution of the Affiliated Colleges generally would be improved by allowing them to receive pupils for preparatory education for a certain time before the University curriculum commences? Yes, that is my own opinion. I know that others differ from me, but I think that the efficiency of these Colleges would be promoted if they were allowed to receive pupils under certain restrictions for a defined period before matriculation.

86. Do you think there would be any difficulty in preventing collision between the school and the College departments of the institution in such a case? I do not think there ought to be a school department exactly. My notion of it was this—that lads who have had a fair general education in the country might obtain in the College tutorial help, to work up some special points, before entering the University. For example, they might have got enough instruction in English and mathematics say, but an insufficient amount of classics; because in our University we demand a very moderate amount of mathematics, but a large amount of classics, before matriculation, and a lad may be well enough prepared in other branches, but insufficiently in classics. If, then, he could go and live quietly in a College, and have tutorial superintendence—the same tutorial superintendence as he would have afterwards when attending the University—he might then be worked up in his classics sufficiently to enter with credit. That was my idea—to enable the Colleges to help the University, but not to set up rival schools to other schools. It did not occur to me till to-day, that under the present Affiliated Colleges Act, there is a power of entering a student a year before he matriculates in the University. It is taking advantage of the wording of the Act—a very fair advantage I think—but it never occurred to me before that that advantage could be taken under the present regulations. I think that one year of tutorial superintendence would be extremely useful, and would enable certain young men from the country to come to the University, when otherwise they could scarcely get prepared. I would not object to allowing two years, but I think one year would be of great service; if it is to be a longer period than one year, there would require to be an amendment of the Affiliated Colleges Act—at least that is my impression.

87. In the present state of education among the Presbyterians of the Colony, do you think it would be desirable to have an academy for preparing lads for the College and University? I should not like to see a denominational academy. I think that the means of general education in Sydney are sufficient to prepare lads for the University, and that they ought to be further improved throughout the country, but not in a denominational way. Of course, if any denomination thinks fit to get up a private institution of the kind, there would be no objection to that; but so far as the administration of the public funds is concerned, I think there should be no further extension of denominational instruction.

88. You think it desirable that preparatory education should be easily available for youth intending to enter a College and the University? Decidedly; there ought to be every facility for going up through the successive steps to the University.

89. Do you think there are such facilities at present for promising boys, the sons of parents in humble circumstances? Not throughout the country; I think in Sydney the facilities are fair.

90. Have you any suggestions to make in regard to omissions or redundancies in this Bill? I do not think of anything at present; the preamble is perhaps defective, in omitting all reference to religious instruction.

91. *By Mr. Morris:* Do you think it desirable that the students should have any power of interfering in the way in which it is proposed in the 7th clause? No, I think it is not advisable to give students this power.

92. You would rather prefer that it should be members of the Board of Management? Yes. No doubt if five students have a serious cause of grievance they can easily move the Board of Management without any enactment of this kind.

93. *By Mr. Dickson:* Would such cause of grievance be more likely to occur where there was only a limited number of students, or where there was a large number of students? I think under the constitution of the College there would seldom be serious cause of grievance. I can conceive of students having to appeal sometimes to the Board of Management, but they need not have the right of summoning a meeting of the Board.

94. *By the Chairman:* Would you propose to substitute five members of the Board of Management instead of five students? Yes, or you might say three members of the Board of Management.

95. *By Mr. Dickson:* You are no doubt aware of the divided state of the Presbyterian body? Yes.

96. Do you think this is a Bill that is likely to meet the views of a large portion or of the majority of that body? I think it framed so as not to clash with the distinctive opinions of the different bodies. This was one point I had in view when I said that this Bill had some points of superiority over the St. Andrew's College Bill—the explanation made here in regard to the sense in which the Westminster Confession of Faith is to be adopted. John Smith,
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97. Do you think a majority of the Presbyterian body would concur in this Bill? I really am not prepared to say. I am not sure that a majority of the Presbyterian body would think it necessary to have a College at all.
98. Do you think it necessary that such a Bill should be passed—that there should be a Presbyterian College in the Colony—whilst the present divisions amongst Presbyterians exist? If the divisions were to continue to exist I think it would be very difficult to work this Bill.
99. Do you think the passing of this Bill would tend in any way to bring together the various sections of the Presbyterian Church? I am scarcely prepared to say; I rather doubt it. I think union would require to be brought about on some other grounds.
100. You do not think this would in any way facilitate that union? I am scarcely prepared to give a distinct opinion, but it is quite conceivable that if the Presbyterian body were discussing the terms of union—considering the propriety of union—a Bill of this character, passed and ready to be put in operation, might be a strong motive before them to arrange a basis of union.
101. Is there anything in the Bill that you think would be any hindrance to union? No, I see nothing in this Bill that should stand in the way of union.
102. What do you regard as the chief object of the establishment of a Presbyterian College in connection with the University? So far as the University is concerned, the chief utility of the College would be to afford a comfortable home to students, with tutorial assistance, and something like parental supervision; but, so far as Presbyterians are concerned, they would perhaps look upon it more as a divinity hall—a place where ministers might be trained for the Presbyterian Church, and there would be found the great difficulty of working it without union; but union is by no means a hopeless thing. My impression is that union will be brought about by and by. There is the example of Victoria, where all the sections have joined and formed a Presbyterian Church.
103. Do you think it would not be prudent to delay the passing of this Bill until that union is accomplished? Personally, I think it would.
104. Would there not be accommodation in the College already in-existence, as well as tutorial supervision and preparation for the University, for all that are likely to require it, apart from divinity, for some years to come? There is plenty of accommodation, but many Presbyterians might object to sending their sons to an Episcopalian College where they would have to attend, every morning and evening, on the forms of Episcopalian worship.
105. Are you aware that there is such an objection on the part of Presbyterian parents? Yes, I think I have heard the objection stated by a Presbyterian parent who had sons at the University.
106. There are Presbyterian students at the University, I presume? Yes. If I remember rightly, the objection was taken several years ago, not to the ordinary attendance at prayers according to the forms of the Church of England, but to certain observances on Saints' days, and I rather think some of these regulations will be relaxed under the new management of Saint Paul's College: the previous Warden had certain arrangements that clashed with the sentiments of Presbyterians.
107. Then if these regulations are relaxed, of course that would do away with the objections which you think Presbyterians may have to the Episcopalian College? I alluded just now to the special objection that was made to me, but I think many Presbyterian parents would object to have their sons brought up under Episcopalian discipline, and rightly object, I think; if they are desirous of seeing their sons continue in the same Church as their fathers, they cannot think it expedient, at a most plastic period of life, to have them continually under different influences.
108. There would be ample accommodation for all who are desirous of coming forward to the University to avail themselves of that tutorial supervision which you refer to? Yes, I think there would be accommodation for some years to come.
109. Is it your opinion that the Principal of this College should be a professor of divinity? I will just repeat that he ought not to be prohibited from teaching divinity.
110. You said you would not call him a professor —? I said it might not be expedient to call him a professor in addition to his being Principal. I feel no particular objection to his holding the two offices.
111. You have seen a Bill that was brought forward some time ago, called the St. Andrew's College Bill? Yes.
112. Do you think the present Bill is more likely to meet the views of a majority of the Presbyterian body than the St. Andrew's College Bill? As I said before, there are some points on which it would have less chance of arousing opposition.
113. Do you think if this College were incorporated, there would be students offering for it to any extent? I think not at first.
114. With reference to the mode of voting, you expressed yourself in favour of extending the money power—what might I understand you to mean by that? I did not mean to express an opinion in favour of extending it. I said I thought the principle of the limitation good, but that it would require a little more consideration to enable me to say I would agree to the exact limit proposed. I said it might be expedient to extend the money power.
115. By giving additional votes for larger subscriptions? Yes; instead of fixing £50 as a limit, it might go further, and give the subscriber of £100 four votes perhaps.
116. *By Mr. Piddington:* In reference to clause 4, have you considered, with regard to the first

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first portion of that clause, whether it is probable, that the objects of this Bill can be obtained—I allude to these words:—"And whereas it is expected that there will in due course be certain divinity and other professors and tutors appointed within the said College for the training up of candidates for the ministry in the Presbyterian Church." With reference to that portion of the clause, I wish to know whether you think it probable it can be carried out under present circumstances? Well, I scarcely see how it can.

117. Are the Presbyterians of the Colony agreed what is the Presbyterian Church? Not at present. With the present divisions of Presbyterians, I scarcely see how more than one section could take advantage of any instruction in systematic theology that might be given in the College. This evidently contemplates union and the formation of one Presbyterian Church.

118. Do you think, in the present state of disunion in the Presbyterian body, that the sum of £10,000 will be subscribed, in order that this projected College may be established? I think it not at all unlikely, even under present circumstances, that that sum will be subscribed.

119. *By the Chairman*: Do you think it would be desirable that Presbyterians should come in as participants of the benefits of an academical institution under the wing of any other denomination—the Episcopalian for example? No, not as Presbyterians. I think they can scarcely be expected to come in as Presbyterians to get the advantage of the University under the wing of another denomination.

120. Do you suppose that if this Bill were carried into effect, that the College to be established under it could be more economically managed than the Episcopalian College? It is possible, but I really am not sufficiently acquainted with the expense of the management of St. Paul's College. I have heard an objection taken that the charges are too great in that College, but to what extent such charges are necessary I really do not know.

121. *By Mr. Dickson*: You would not deny to Presbyterians the right of attending the Episcopalian College if they chose to do so? Certainly not. In point of fact, there have been Presbyterian students in St. Paul's College. I think the governing body of St. Paul's College are quite willing to open their doors to other denominations, and that they will make their arrangements of such a character as to jar as lightly as possible on the conscientious convictions of others. I gave that example a little time ago, to show that the objections taken by Presbyterians was not so much to the general system of St. Paul's College as to particular requirements which, probably, by this time are changed, and the same Presbyterian parents would not now perhaps take the objection.

122. *By the Chairman*: Do you think that even at present, the majority of Presbyterian bodies in the Colony could not unite in receiving divinity instruction.—lectures in divinity—from the same person? They could, but I should not expect them to do it. The theological training might be adapted to suit them all; but I do not think they could be expected to join in it.

THURSDAY, 4 SEPTEMBER, 1862.

Present:—

MR. DICKSON,
 MR. HAY,

MR. MORRIS,
 MR. ROBERTSON.

THE REV. J. D. LANG, D.D., IN THE CHAIR.

The Rev. John M'Gibbon appeared in support of the Petition against the Bill.

The Rev. Adam Thomson called in and examined:—

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123. *By the Chairman*: You are Minister of the United Presbyterian Church in Sydney? I am.

124. Have you perused the Bill to incorporate the Presbyterian College? I have done so.

125. Does it appear to you that the constitution which that proposes for the management of the proposed institution would be likely to prove conducive to the ends contemplated? On the general question of establishing a Presbyterian College I could not at present give my opinion, but in the event of such an institution being established, it seems to me that the Board which this Bill proposes would be a very suitable body under which the government of the College should be placed.

126. Have you compared the present Bill with the St. Andrew's College Bill of 1859? I have.

127. Have you formed any opinion as to the character of both of these Bills, as recommending an academical establishment? With regard to the Bill for incorporating St. Andrew's College, it proceeds on principles which I personally, and the body with which I am connected, cannot approve. It is a Bill for the incorporation of a College designed to provide a theological curriculum; and holding as I do, and as the body does with which I am connected, that it is not for the State to endow religion, of course I consider that such an institution would be unwarranted.

128. Is the present Bill open to any such objection? So far as I have examined and considered the Bill, I do not see that it is.

129. Do you approve of the substitution of "trustees" in the Board of Management for "fellows"? I certainly think that "trustees" is a much more natural designation for the body to which, according to either Bill, is to be intrusted the management of such a College; indeed, I do not understand what is meant by the designation of "fellows" in the St. Andrew's

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Andrew's College Bill. The individuals to whom that designation is applied seem to be persons chosen by the subscribers to the College without reference to their educational status. Now, I am not aware of the designation having any such use in connection with any other academical institution. In Oxford, for example, the fellows are the governing body of the several Colleges; the fellows in each College are necessarily graduates of the University; from the fellows of the several Colleges the tutors are chosen, to whom is intrusted the education of the students. In Scotland we have not the designation of fellows at all in use in connection with our Universities. The Royal College of Physicians, and the Royal College of Surgeons, use that designation. In the case of these, it is applied only to individuals holding the license of those several Colleges; and not only so, but to individuals who have acquired eminence in the profession. It seems to me it would be exceedingly unacademical to apply the designation of fellows simply to individuals who have been chosen by the subscribers of money towards founding the Colleges, without any reference whatever to their educational qualification or standing.

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130. You regard the term as designating the academical status? Certainly.

131. Implying a high educational standing on the part of persons bearing that designation? I am not aware of the designation being in any other use in connection with any University or College.

132. Did you say that the designation is unknown in the Universities of Scotland? Entirely unknown in the Universities of Scotland. In the Medical and Surgical Colleges, to which I have referred, the term is in use; but, as you are aware, they are beyond the range of the Universities.

133. Do you not think it incongruous to give what is understood to be an academical title to tradesmen who may have subscribed money, and got into the management of the institution? It seems to me to be so.

134. You approve, then, of the substitution of the term trustees, as the designation of the Board of Management, for that of fellows? I do not know that the particular designation is of much consequence, provided it be not a designation that would mislead, as I think the designation fellows would do.

135. Are you acquainted with the constitution of the American Colleges in this respect? Not particularly. I have read accounts of several of the American Colleges, and I am aware that in some of them the management is intrusted to a board bearing an unacademic designation.

136. The 5th clause of this Bill is:—"The Principal shall not be eligible to hold the office of a professor of divinity of the said College"—what is your opinion in reference to this clause? I do not myself see the necessity for any such clause. I think it would be a pity to limit the sphere of choice. I should certainly object to the Principal being necessarily a professor of divinity; but I think the best man should be taken, whether a professor of divinity or not, and that there should not be such a preference or exclusion as that clause implies.

137. Suppose the Principal were, by the constitution of the Affiliated Colleges, a salaried officer of the State, would you consider that an objection to his being a professor of divinity? Not if he received a salary from the State simply as Principal.

138. Do you approve of the creation of what is called in the 4th clause a Faculty, consisting of the academical office-bearers of the institution, to superintend the business of education, as distinct from the Board of Management? I think the appointment of such Faculty would be indispensable. I may state, however, that I should feel an objection to the terms "certain divinity and other professors and tutors." The clause would meet my mind if the words "divinity and other" were struck out.

139. Do you see anything else that is objectionable in that 4th clause? I do not at present see anything that is objectionable.

140. Do you approve of the 6th clause—that the office-bearers of the institution, "the Principal, professors, and tutors shall be liable respectively to removal or suspension, for a sufficient cause, by the Board of Management"? I think there ought to be some provision such as that clause professes to make, for the removal or suspension of the Principal, professors, and tutors; but it seems to me that the clause, as it at present stands, is somewhat vague—the term "sufficient cause" would, I think, require to be more defined.

141. Do you approve of the 7th clause, in which it is stated that "the Board of Management shall meet, at least, once every year, at such time and place as to them shall seem expedient, but a special meeting may be held at any time on any emergency, or on the requisition of the Principal or of five students; ten days' notice of such meeting to be given previously, for three consecutive days, in one or other of the daily papers in Sydney"? There are points of detail in that clause which, it seems to me, would require reconsideration; I doubt whether it would be wise to put it in the power of five students, even with the Principal, to summon a meeting of the Board of Management.

142. Do you consider the mode of appointment in the first instance to originate the institution, proposed in the 8th clause, is a proper one—that the Principal and the first eighteen trustees shall be elected by the subscribers to the funds of the College? It seems to me a sound principle that the election of the Principal and trustees should rest with the subscribers, but whether the votes should belong to the subscribers, in the proportions stated in the clause, is again a matter of detail that might require to be reconsidered.

143. Do you think it an advantage in the management of any such institution to give as extensive an interest as possible in the management to the industrious classes of the Colony? Decidedly. I may state that the 8th clause seems to me defective, inasmuch as, while it provides for the appointment of the original trustees, it makes no provision for the appointment of their successors. In the event of the subscribers dying out, as they naturally will

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do, there is nobody left under that clause for the appointment of those who shall succeed the original trustees. Perhaps the power might be vested in the graduates, when a sufficient number have graduated, to constitute a suitable body of electors.

144. You would recommend a clause or proviso to that effect? So it seems to me, at present.

145. Do you approve of the 9th clause—"All subsequent appointments after the first, whether of Principal, professors, or tutors, shall be made by the Board of Management"? I do not see at present how the appointments could be better provided for; at the same time I should not like to commit myself to a decided opinion upon the point.

146. Do you think the power of making by-laws, proposed to be given in the 10th clause, would supply any other objections or deficiencies that there might be under the constitution proposed? It seems to me to be a very reasonable arrangement which the clause proposes.

147. Do you think that the extension of the benefits of the institution to all Presbyterians holding the Westminster Confession of Faith, and the other standards of the Presbyterian Church, would be secured by the provision in the 11th clause, that "the phrase 'Church of Scotland' employed in the Deed of Grant," shall signify all such Presbyterians in this Colony? It seems to me that it would, so far as I am acquainted with the tenets of the different Presbyterians in this Colony. Perhaps the last words of the clause might be amended; the words are—"all Presbyterians professing to hold the Westminster Confession of Faith, and the other standards of the Presbyterian Church, although objecting to those parts of the 23rd section of the said Confession, which relate to the power of the Civil Magistrate, and seem to inculcate intolerant principles in religion." The words appear to imply that that section of the Confession does inculcate intolerant principles in religion, and in that way it might be offensive to various parties. I think the end would be completely gained if the following words were substituted—"although objecting to those parts of the 23rd section of the said Confession, which relate to the powers of the Civil Magistrate, and inculcate, or are supposed to inculcate, intolerant, principles in religion." That, I may state, is the language, or nearly the language, adopted in the formula of the United Presbyterian Church, and which has been introduced now, I believe—or substantially so—into the formula of the Free Church of Scotland.

148. Have you any suggestions to make in regard to omissions or redundancies in the Bill generally? Various suggestions have occurred to me in connection with the question of a Presbyterian College, but I could not take it upon me, with so little opportunity for reflection, to state them before the Committee at present. I may state, generally, that it appears to me that an extension of the curriculum in the University, so as to render the University somewhat similar to our Scottish Universities, would in my view accomplish all the ends which are designed by the incorporation of the Presbyterian College, and accomplish them probably much better than by means of such a College.

149. Supposing you were right in that opinion, which I believe is shared by several members of this Committee, do you not think that there is an essential difference in the position of the case, now that there are other Affiliated Colleges, the Episcopalian and Roman Catholic, actually established—do you not think that that changes the position? It certainly does, but I regret exceedingly that there should have been any denominational Colleges whatever. I think a general University, as originally established, with a sufficient staff of professors, and otherwise equipped for academical work, would have accomplished the end in view far more effectually than the University with affiliated denominational Colleges.

150. *By Mr. Dickson:* Are you aware of any funds having been subscribed for the incorporation of a Presbyterian College? I know it chiefly from the preamble of this Bill.

151. Are you aware of your own knowledge that any funds have been subscribed? I am not aware.

152. Do you consider it expedient to incorporate a Presbyterian College under the Affiliated Colleges Act? As I have already stated, I should have greatly preferred that there were no Affiliated Colleges, and that the work contemplated by them should have been thrown entirely upon the University, without regard to any sectional institutions. Now that the Affiliated Colleges Act has been passed, and has so far been acted on in the establishment of an Episcopalian and a Roman Catholic College, the question arises whether it might not be desirable for the interests of the Presbyterian portion of the community that they also should avail themselves of that Act, but that is a question upon which I do not feel myself competent at present to pronounce an opinion; I should like more time to consider the subject.

153. Do you think the present Bill is suitable for the purpose for which it is intended—that it would meet with the general approval of the Presbyterian body throughout the Colony? I could not speak for the Presbyterian body generally; my acquaintance with it is too limited to authorize me to do so, my sojourn in the Colony having been so short. It seems to me, however, that the provisions of the Bill are such that, if there is to be a Presbyterian College at all, the different portions of the Presbyterian Church could not reasonably object to the Bill.

154. Is it likely that that portion of the Presbyterian body, with which you are immediately connected, would unite in a Bill of this nature? I feel somewhat at a loss in giving an opinion even on that point; provided, however, that, in the first instance, it were resolved that a Presbyterian College be incorporated, then I think that the form of incorporation which this Bill proposes would be such as to meet the views of the body with which I am connected.

155. What would you regard as the main object in incorporating a Presbyterian College? In the event of a College being incorporated, I think that the tutorial assistance which it might provide would be very valuable for Presbyterian students in the University. In addition to that I think that such a College might supplement what is wanting in the University professorial staff. The addition of the theological institute to the College must
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of course in my view be left with the Presbyterians themselves; it ought not to be provided in any way by the Legislature, either in the form of enactment or the grant of funds.

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156. The body to which you belong have an objection to the endowment of religion by the State in any shape or form? They have.

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157. Would they be likely to regard a grant of land as an endowment? If given for a theological institute; but I do not see that there would be any infringement on the principles held by the United Presbyterian Church, or what are commonly designated voluntary Church principles, in the mere circumstance of a theological professor, or a staff of theological professors, giving lectures within the walls of a College which had been erected or endowed by the State for other purposes;—what I mean is, that the Presbyterian College, as erected and endowed by the State, might, as a mere matter of convenience, admit of the use of its halls for theological teaching, without that teaching being in any way supported by the State, or indebted to the State in the form of pecuniary aid, or in any other form.

158. The simple use of the halls would be an endowment in reality? I do not see that it would; for example, various Presbyterian denominations in Scotland, including the United Presbyterian Church, have expressed their approval of such a measure for National education as would simply provide secular education at the hand of the State, but admit of religious education being superadded through the joint action of parents and churches. On the same principle, therefore, I think there would be no relinquishment of their views in the event of secular education of an academic sort being provided by means of a Presbyterian College, that the members of the Presbyterian body were left free, apart altogether from State interference or State support, to supplement, if it thought fit, the secular education by theological instruction; the theological instruction not being forced on any who did not choose to avail themselves of it.

159. In the 7th clause of this Bill the power is given to five students to call a meeting of the Board of Management—do you think that power should be left in their hands? It seems to me that it would not be wise to intrust to five students, even although the Principal were added, with such a power as that clause gives them.

160. *By the Chairman:* It has been proposed by a former witness, that instead of five students there should be substituted three members of the Board of Management—do you approve of that substitution? I could not pronounce an opinion off hand on that question; it is very probable that might meet the case.

161. *By Mr. Morris:* Do candidates for the ministry of the United Presbyterian Church attend any divinity lectures in the University of Scotland? Not except by their own choice; it is not required of them.

162. As a matter of fact do they? I myself attended the hall in the University of Edinburgh connected with the Established Church, then under Dr. Chalmers, merely for the sake of sitting under Dr. Chalmers as a professor; the fame of Dr. Chalmers led some to do so at that time, but it is now not at all usual for the ministers either of our Church, or of the Free Church, to attend any theological hall except their own. With the exception of the theological hall, however, the curriculum of study is precisely the same and under the same professors, with the ministers of both these churches and those of the Established Church.

163. Would you refer to the last clause of the Bill, and inform the Committee whether what are Presbyterians is sufficiently defined by "Presbyterians professing to hold the Westminster Confession of Faith and the other standards." Is that a sufficient designation to insure that Unitarians, who are just as much Presbyterians as the Church of Scotland or the Free Church, shall not obtain control over this proposed College? Of course that clause would exclude all but those who really hold these standards, if they are honest men, and I suspect that we cannot provide by legislation for the exclusion of men who are not honest.

164. Can you tell me where I can find by law, or anything else, what a Presbyterian is? I suppose that the standards which are specified in this clause, are the only standards held by Presbyterians residing in this Colony.

165. Of course I quite understand myself what is meant by this, but what I would wish to draw your attention to is the fact that what is a Presbyterian is not sufficiently defined? I am not aware of any definition more explicit that could be well introduced. Of course if you proceeded minutely to define "Presbytery," the definition might be of considerable extent.

166. Can you tell me how you could exclude Unitarians? I think that clause would exclude them—they do not hold the Westminster Confession.

167. But they hold other standards? As I understand the clause, those only are embraced who hold the Westminster Confession as well as the other standards.

168. *By the Chairman:* The other standards is the *vox signata*, implying the larger and shorter catechisms? That is what is generally understood.

169. *By Mr. Morris:* In reference to your remarks with regard to fellows, you know that in the origin of Colleges fellows had not academic titles or degrees at all? In England, do you mean?

170. For instance, the fellows of King's College, London? I am not aware of the use of the designation in that particular College, which is of comparatively recent erection. I cannot say that I know the remote origin of the term in Colleges generally, but I am quite sure that the universal use of it in Scotland and England is academic. I rather suspect that in the origin of Universities, you will find that the Universities of Paris and Bologna, which are the two oldest, were to a great extent ecclesiastical institutions—I mean institutions under the direction of Ecclesiastics—and so indeed were all the earlier Universities, alike in Great Britain and on the Continent.

171. I would refer you to the Encyclopedia Britannica, where it is said that in the great majority of Colleges the fellows are necessarily graduates, if not in all. I do not know where

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where the exception lies. Even, however, if there are exceptions in any of the Colleges, which I am not aware of, to the fellows being graduates, I should think there could be no exception to the fellows having passed through an University curriculum, or having obtained literary or scientific distinction; and you will find that the body from which the tutors of the several Colleges are chosen is the fellows, which implies that the fellows must be men of learning.

172. But I think you will find that originally it did not necessarily require that they should be men of learning? I could not speak to that;—the earlier Universities in Europe and all the older Universities in England and Scotland were in a great measure, as I have said, ecclesiastical institutions, and the very circumstance of their being so would, I think, secure the fellows being to some extent men of academic training.

173. In what College or University in Scotland is the word trustee used; how comes that to be a Scotch title, as you would seem to imply? I am not aware that the term trustee is in use in any Scotch University; I may state, however, that under the present University Act there are bodies in the different Scottish Universities exercising very much the same powers with those which this Bill would assign to trustees.

174. What designation have they? A University Court; the members of these bodies form together a University Court.

175. Has not the title of fellow been adopted of late in some of the Universities of Scotland? Not that I am aware of.*

176. Seeing, at any rate, that the word trustee is not the word commonly used in Presbyterian Colleges in Scotland, and that the word fellow is used here in the other Affiliated Colleges, can there be any objection to the word fellow—would it not rather recommend itself to you as being the common title? I have no predilection for the word trustee; I think it very possible a better designation might be found. My objection to the designation of fellow is simply that those whom this Bill provides for the appointment of as fellows would not necessarily possess the qualifications which that designation is usually understood to imply.

177. Are you not aware that the fellows of the two present Affiliated Colleges, St. Paul's and St. John's, are persons who have not necessarily had any academic training? I am not sufficiently acquainted with the constitution of the two Colleges to say whether they are or not.

178. Do you think that the establishment of such a College as this, proposed on a wide basis, would be the means of bringing together the different sections of the Presbyterians who hold the same standards? I think it might assist towards such a consummation, although I should hope that consummation may be brought about before any such College can be in operation.

179. At any rate it would have that tendency? I think it would.

180. *By the Chairman*: Supposing that in numerous Presbyterian Colleges in America, the governing bodies uniformly, perhaps without exception, designated by the word trustee, do you not think that would be a reason for adopting that word in preference to one implying an academical status, which the majority of those men might not possess? I do not think it is of very much consequence what the designation is, provided that it be not a misnomer—that it do not imply qualifications on the part of individuals which they do not necessarily possess.

181. You think the word fellow is a misnomer under such circumstances? Yes.

182. Reverting to your evidence in reference to the teaching of divinity—supposing that the College were instituted upon the basis of this Bill, do you not think it would be quite easy, within the means of the Presbyterian body in the Colony, to have a divinity class within this institution, altogether separate from the classes for secular education which would be comprised under it—to have a divinity hall, and other classes for theological instruction? I think so; but of course that pre-supposes the union of those Presbyterians for whose benefit the College is instituted; in the event of a College being instituted in terms of this Bill, it would be exceedingly objectionable that one section of the Presbyterians of the Colony should within the walls of the College have its theological hall, to the exclusion of the other sections; but supposing there were an union, as it is to be hoped there will be by-and-by, of the various sections of the Presbyterian Church, I do not see why there might not be within the walls of the College, but totally distinct, in the way to which I have already referred, a theological institute.

183. Separate from the College rooms for secular education? Quite so, if that were found advisable: I do not know whether it is of much consequence whether it be in separate class rooms, or the same, provided the theological institute be otherwise entirely distinct.

184. You see no difficulty on that ground in the matter of the theological requirements of Presbyterians in an institution upon this basis? I see no difficulty, provided the Presbyterians, the class for whose benefit this College is designed, should be united.

185. *By the Rev. Mr. M'Gibbon*: You have in your hand, I think, a copy of the Affiliated Colleges Bill? I have.

186. You observe in the preamble it is recited: "Whereas it is expedient to encourage and assist the establishment of Colleges within the University of Sydney, in which Colleges systematic religious instruction and domestic supervision, with efficient assistance in preparing for the University lectures and examinations, shall be provided for students of the University"—that is the preamble? I see it is.

187. Do you think that any Bill, or any Act, such as this, professing to come under this Act, and to avail itself of the provisions of this Act, should set out in its preamble only so much of

* NOTE (on revision):—I have before me the "Edinburgh University Calendar" for 1858-59, which contains a minute account of the Constitution of the University, together with a very full abstract of the "Scottish Universities Act." The terms "fellows" or "fellowship" never once occur in it.

of the preamble of the Endowment Act and leave out other parts of it;—for example, the preamble of the Bill before is—“Whereas considerable funds have been subscribed for the establishment and endowment of a College, to be called ‘The Presbyterian College,’ within the University of Sydney, wherein provision shall be made for the residence and domestic supervision of Presbyterian and other students, and for affording them efficient tutorial assistance in their preparation for the University lectures and examinations”—do you think that any such Bill as this, evidently proposing to take advantage of the Endowment Act, but at the same time not setting out its preamble in the same terms as the other preamble —? I do not profess to be learned in such questions, but I should suppose that advantage might be taken of certain provisions of the Affiliated Colleges Act without the whole of the provisions of that Act being taken advantage of.

Rev. Adam Thomson.

4 Sept., 1862.

188. That Act seems to have been granted for a certain purpose, that purpose is set out in the preamble; only a part of that is recognized here, and the other part is distinctly left out.—I want to know if such a Bill can take advantage of the Colleges Act? I stated at the commencement that I had obtained copies of these several Bills and Acts only yesterday afternoon, and I have since been so engaged that I have had opportunities of only glancing at them very hurriedly, therefore I do not feel prepared to go into all questions of detail which may suggest themselves on the subject of these several Bills and Acts. It would appear to me, however, that if the Legislature shall see fit to pass an Act incorporating a Presbyterian College in connection with the University, taking advantage in that Act of certain provisions of the previous Act, but not bringing the new College under the operation of the whole of those provisions, there could be nothing in such a course unconstitutional, or so far as I am aware, unusual. Still I would not wish to be understood as expressing a decided opinion on what is a mere legal question, or a question of Parliamentary right.

189. I would wish you therefore simply to say whether you think the preamble of this Bill is in accordance with the preamble of the Colleges Act? It is certainly so far out of accordance with it, in so far as there is the omission of all reference in the preamble of this Bill to “systematic religious instruction,” which is referred to in the Act to which your remarks relate.

190. You suppose “systematic religious instruction” to be something distinct from “domestic supervision”? I certainly should think so.

191. You think it also something distinct from “efficient assistance in preparing for the University lectures and examinations”? Quite so; what I suppose to be meant by “systematic religious instruction” in the preamble of the Affiliated Colleges Act, is such instruction as is given in a theological hall: and it appears to me that the present Bill is one for the incorporation of a College, in which there shall be no provision, as by law, for such systematic religious instruction, that is to say, systematic religious instruction in the sense of a theological education.

192. You think the ordinary religious instruction of a father over a family would be comprehended within the term “domestic supervision”? The phrase “domestic supervision” is a very wide one, and it would not be easy to give a precise definition of all that it implies.

193. You think however that the Bill now before us purposes to establish a College in which there shall be no provision for anything meant by “systematic religious instruction”? Quite so; and I have already stated in my evidence that I could not individually approve of a Bill which provided for the institution of a theological academy within the walls of the College. I think the way in which a theological institute might be added to such a College as this proposes to incorporate is such as I have already indicated.

194. In the preamble of the Bill, “Presbyterian and other students” are mentioned, you would understand from that other than Presbyterian students? I think it would be a very great pity that any student should be excluded merely because of their not being Presbyterian; it would be very much at variance with the principles upon which the Scottish Colleges are found.

195. Universities you mean? Yes, or — Colleges.

196. I merely wish to know whether it is your opinion that “other students” means other than Presbyterian? I do not suppose it can do otherwise.

197. You have taken exception to the word “fellows,” and have a preference for the word “trustees,” I infer from what you have said? I have said that I had no predilection for the word trustees at all, although it may be suitably enough used. My objection to the designation “fellows” is that which I have stated over and over again.

198. The word “trustee” has nothing definite about it to show that it concerns an educational establishment or any other kind of establishment; for example, you might be a trustee of anything—you might be a trustee of some goods—you might be a trustee of a will—you might be a trustee of a great many things; therefore the word trustee, as used here, can have no definite reference to an educational establishment? Certainly the designation “trustee” is not limited to any particular institution, at the same time it may perhaps be as suitably applied to the body having charge of a University as to a body having charge of the property of a Church or of an ordinary educational institute.

199. Do you not think as the word “fellow” has distinct reference to education that it would be preferable, having that distinct reference to “trustee,” which has not? I have no objection to the word “fellow.” I should prefer it, provided the qualifications which the designation supposes were secured. There seems to be in the Bill, however, no provision whatever for securing such qualification.

200. What is the name given to the managing body in the Universities of Scotland? I do not know exactly what you mean by the managing body. There is the University Court under the recent Universities Act (and that is now the law regulating the Universities of Scotland), which holds very much the relation to the Scottish Universities which the trustees proposed in this Bill would hold in the College it proposes to incorporate.

201.

- Rev. Adam Thomson. 201. What is the word "Senatus" intended to mean? That is a totally distinct body. The "Senatus" consists of the professors in the various faculties, of which the Principal is president.
- 4 Sept., 1862. 202. If you look to the deed of grant, you will find that the parties who are to hold the "ground are to be trustees, "And that each of such sub-grants shall be made to five trustees, "of whom two, and their successors (one of them being the Provost or Vice-Provost of the "University), shall be nominated by the Senate of the said University"? I am wholly unacquainted with that deed.
203. I want to show that the trustees of the College would be parties connected with the University? On that ground, I suppose, you object to the designation "trustees," as applied to the governing body?
204. It would be very complicated? In that case it might be advisable to use some other designation. I have nothing further to say on that point than what I have said already.
205. You notice in the 1st clause of this Bill that it says:—"that a Principal and eighteen "trustees, for the government of the said College in accordance with the constitution thereof, "as in this Act set forth, have been duly appointed and elected respectively";—do you find any clause in this Bill that shows you by what plan or on what principle these trustees shall be appointed and elected? The 8th clause of the Bill purports to prescribe the mode in which the election and appointment shall take place.
206. Only as respects doing it by ballot, and persons living at a distance sending their voting papers by post? It is stated in the commencement of the clause—"The Principal and "the first eighteen trustees shall be elected by the subscribers to the funds of the College."
207. That simply says that the subscribers are to be the electors, that the election is to be by ballot, and that those who are at a distance are to send their voting-papers by post? As I have stated before, very likely there are matters of detail in which it is necessary there should be amendment.
208. I want to bring out the circumstance that there is no provision here for the character of the parties elected, or the persuasion to which they belong; they are to be elected by the subscribers, and there is no provision that they are to be sound in doctrine or orthodox—the subscribers may be Unitarians, as Mr. Morris suggested, and it will rest with them then to choose the trustees? I understand the 11th clause of the Bill as providing that all holding office in the College shall be Presbyterians.
209. Is there any provision to that effect? So I read the 11th clause—"Presbyterians "professing to hold the Westminster Confession of Faith, and the other standards of the "Presbyterian Church."
210. Do you see in any clause of this Bill anything to guarantee the character of the Principal who shall be elected? I suppose the guarantee would be found in the position and character of the electors, who, as being concerned deeply in the welfare of the College, would naturally choose the best man they could find.
211. I suppose some qualification should be in this Bill—in fact, the Principal or trustees elected should be of certain character and of a certain persuasion? I do not know how by Act of Parliament you could provide for the officers of a body being of a certain character; I can understand how you should provide for them professing to hold certain standards.
212. Suppose this Bill were to pass, and it were to pass as it now stands;—It says, in the 4th clause, "Whereas it is expected that there will in due course be certain divinity and "other professors and tutors appointed within the said College, for the training up of candi- "dates for the ministry in the Presbyterian Church, as well as for the education of students "generally in certain branches not comprised in the University curriculum";—would it be easy to establish a divinity hall in that College? I have stated that I should object, so far as my own views are concerned, to the institution under the Act of a theological institute; but in the event of union taking place among the different sections of the Presbyterian Church, I do not see why they might not combine to establish for themselves such an institute in the way to which I have already referred in my evidence.
213. Do you think that if this Bill were to pass, the Church of Scotland, the Free Church, and the United Presbyterian Church not uniting would agree to the having a professor of divinity either in the College, or one for the three bodies out of the College? I cannot speak for the three bodies, although I should think it not very likely that previous to a union they would so combine.
214. Suppose there were no union to take place, it could not be supposed that the three would then unite in electing a professor of divinity? I should think it not likely.
215. Will you be kind enough to look at the 5th clause of this Bill—do you think that that clause provides that no clergyman shall hold the office of Principal? The clause merely provides that no professor of divinity shall hold the office of Principal; but I have already stated that I do not see any need for any such clause as the 5th; I think the Bill would be improved by its being struck out.
216. The corresponding clause in the St. Andrew's College Bill is to this effect:—"The "Principal shall always be a duly ordained Presbyterian Minister, holding and signing the "Westminster standards in their integrity"? I should think a clause of that kind exceedingly objectionable. In the Universities of Scotland there is no such provision. The Principal of our Edinburgh University at this moment is Sir David Brewster, of course a layman. Previous to holding this office in the University of Edinburgh, Sir David was Principal of the United Colleges at the University of St. Andrew's, and there is nothing in any of our Universities in Scotland to exclude a layman from the office of Principal.
217. While you would object to that clause in the St. Andrew's College Bill, you do not think that the corresponding clause in this Bill secures that the Principal shall be a clergyman? I do not see that the clause implies that, it merely states that a professor of divinity shall not be elected to be the Principal.

218. In the 6th clause it says the Principal, professors, and tutors shall be liable to removal by the Board of Management—the Board of Management consists of the principal and trustees, for whose character and position there has been no provision? I have already stated that it seems to me that many of the details of the Bill would require reconsideration, and amongst them that very clause.

Rev. Adam
Thomson.

4 Sept., 1862.

The Rev. Robert Steel, M.A., Ph. D., Minister of the Free Church, Macquarie-street, Sydney, called in and examined:—

219. *By the Chairman:* Assuming that there are already in existence two Affiliated Colleges, the Episcopalian and the Roman Catholic, in connection with the University of Sydney, do not you think it is desirable that there should be a Presbyterian College also? It is very desirable.

Rev. R. Steel,
M.A., Ph. D.

4 Sept., 1862.

220. Have you perused the Bill to incorporate a Presbyterian College? I have, but my knowledge of the matter is so comparatively limited, from my residence being so short, that I cannot give it with sufficient examination which a full knowledge of all matters connected with past history would be able to afford me.

221. Looking at the Bill generally, does it appear to you that the constitution which it proposes for the proposed College, would be likely to prove conducive to the ends of such institution? It appears to me that the Affiliated Colleges Act, so far as I understand it, applies to different religious communions, and hence that the Presbyterian College is understood to be a religious institution; now this Bill does not seem in the preamble to relate to that with sufficient distinctness.

222. Do you think it would be requisite to introduce into the preamble the clause in the Affiliated Colleges Bill, specifying "systematic religious instruction?" Not necessarily "systematic religious instruction," using that term theologically, but Christianly—religiously or denominationally.

223. What do you understand by systematic religious instruction? I understand it in two ways: if it is applied to me as an individual, I understand it as the proper training of my children or of my people in Christian knowledge; but if it is used by me as a churchman, as an ecclesiastic, I understand it to imply the formal teaching of theology as a science.

224. Is it not in the latter of these significations that it is generally understood in Scotland? It is.

225. Does not the fact of such a provision in the preamble raise an objection against the institution, on the part of those who are opposed to all religious instruction being supported by the State? Not if it is defined, in my opinion.

226. Have you compared the present with the St. Andrew's College Bill? I have.

227. Do you think that the constitution which this Bill proposes for the management of an academical institution, is a reasonable one—one that would work out the ends of such an institution if it were established? That is a wide question. It may be reasonable without being satisfactory to parties or to the general feeling of parties, subdivided a little as they are now.

228. Do you approve of the substitution of "trustees" for "fellows," as the designation of the Board of Management? I should prefer the academic title, in the hope that by-and-by it would become really so.

229. Is there any such designation connected with the University in Scotland? I believe provision has been made for it by the recent Universities Act, and formerly there was one fellowship in the University of Edinburgh. I may be allowed to state, with regard to fellowships, that my idea of them is that they consist rather in persons holding a certain office, and in receipt of certain sums from the College by which they have been elected to that office.

230. Do you not think it is incongruous to give an academical title to those who have not gone through an academical curriculum? In the earlier history of the Colony I should be willing to pass by that, in the hope that in the future those that were elected to the office would be men of some academic standing.

231. Are you acquainted with the American Colleges generally? In a slight degree.

232. Are you aware that the governing body in these institutions almost uniformly consists of persons designated trustees? I am aware of that.

233. For instance, in the Presbyterian College of Princetown, does your recollection serve you to state what the designation of the governing body there is? I am aware of that.

234. In Yale College, also? Yes.

235. The University of Pennsylvania, Columbia College—are you aware that some of these institutions have existed for a long time past? I am quite aware of that; at the same time it appears to me that the trustees are invested there considerably with an academical character; as, for instance, that they have something to do with the granting of academical honors.

236. Do you approve of the 5th clause of this Bill? I see no reason why the Principal may not be eligible to a professorship of divinity.

237. Supposing the Principal were a salaried officer of State, as a professor of divinity would be not be objectionable to a large class of Presbyterians? I should suppose that his salary from the State would be devoted to the specific office for which he held it, and that anything that might be given to him over and above, as a professor of divinity, would be understood to be the remuneration for that special office.

238. Do you think there ought to be a governing body for the superintendence of education distinct from the Board of Management, whatever it may be called, having the general charge of the institution? There should be an internal governing body.

239. Similar to the *Senatus Academicus*? Yes.

240.

Rev. R. Steel, 240. Do you think such a designation as the Faculty of the Presbyterian body would be a suitable one for such a body? Quite becoming.

M.A., Ph.D.
4 Sept., 1862. 241. Would you object to the 6th clause:—"The Principal, professors, and tutors shall be liable, respectively, to removal or suspension for a sufficient cause, by the Board of Management"? This clause referring to the 4th, and consequently including professors of divinity, seems to me defective, inasmuch as it makes no reference to the relation to the Church which such professors hold.

242. In regard to the 7th clause, that a special meeting of the Board of Management may be held on the requisition of the Principal, or of five students—would you approve of such a proposal? I think the number of students is too limited, and I think the notice is not specific enough. Where the Board of Management is not large, the members of it should be called together by circular—that securing their individual attention to the meeting announced.

243. Would you propose to substitute any number of the Board of Management for the students altogether, as proposed by a former witness? I am scarcely able to answer that. I would rather, as viewing it generally, wish that both should be included; that, on a requisition of a certain number of the Board of Management, a special meeting might be called; and at the same time I would wish to respect the position of the students, and, should they see cause, that they might address the Chairman or Principal, and request a meeting; but as to the number I do not feel qualified to pronounce an opinion.

244. Do you approve of the Principal and the first eighteen trustees being elected by the subscribers to form a College? I see no objection to that.

245. Do you think it likely that the subscribers to a Presbyterian College in this Colony, under the supervision of public opinion, would be likely to elect men either of immoral character or of heretical pravity? I am not qualified to pronounce upon the character of the Presbyterian community yet; but the Principal, as a person holding collegiate office, ought, as it appears to me, to be elected by the Board of Management, by whatever name you designate it.

246. Do you approve of the arrangement in the 8th clause, that every subscriber of £1 shall have one vote, every subscriber of £10 two votes, and every subscriber of £50, or upwards, three votes? It appears to me to be too democratic. Many persons who would be able to give £1 would be very unqualified to judge of the parties here referred to. I would rather that subscribers of £5 should have but one vote than that subscribers of £1 should have a vote, as there is always only a limited number of the community who take any special interest in academic institutions.

247. Do not you think there would be great danger in giving power over an institution in proportion to the money subscribed by individuals? That is a dangerous power, but it is defined here in relation to other subscribers—a subscriber of £50 having three votes.

248. Do you think that there ought to be a larger number than three granted to those who subscribe a larger amount? By no means.

249. That whatever amount any person might subscribe, he should be limited to three votes? I think that would be a proper limit.

250. Do you see any objection to the votes of the subscribers being given by ballot, in the event of such an establishment coming into existence? I have no special objection to that.

251. Do you think there could be any other mode of giving distant subscribers their rights in the institution than the one proposed, without compelling their personal attendance? It seems to me that ten miles is rather too small a limit in these days of rapid locomotion—that fifty miles would be distant enough to allow persons not personally to attend.

252. Do you approve of the proviso in the latter part of the 8th clause—"And whenever the said eighteen trustees shall have been reduced in number, whether by death, resignation, or otherwise, to twelve, other six shall be elected to supply the vacancies so created, by the surviving subscribers, together with such additional subscribers as shall then have contributed to the funds of the College"? It seems to me that it would not be very practicable. Many of the subscribers would have removed, and might still be alive, but whose residence it might be difficult to find. I would rather, viewing the matter generally, as I am obliged to do, that, under certain limits, and with certain specifications, those who are here called trustees should fill up their number themselves, but that is a matter on which I am hardly capable of pronouncing at present.

253. Do you approve of the 9th clause, that all subsequent appointments after the first, whether of principal, professors, or tutors, shall be made by the Board of Management? I can scarcely approve of this, because as professors of divinity are specially included in this Act, or provision made for them, I should like that the Corporate Church, availing itself of these professors, should have some influence in their appointment.

254. Do not you think that it would be a *sine qua non* that all theological professors should be appointed by an ecclesiastical body? I should generally prefer it, but it is not at present the case in Universities with which we are acquainted. In the Universities of Scotland the parties who appoint the theological professors are not the theological faculty or the Church. In those Churches not endowed, who have academic institutions, of course it rests entirely with the Court of that Church.

255. For an institution originating in the contributions of parties desiring to bring it into existence, do not you think it would be indispensably necessary that that arrangement should be effected? It might be so, with certain specifications. Here I do not find that the Board of Management are parties who have given any adhesion or subscription to the standards commonly held by Presbyterians. Again, the Board of Management does not comprehend necessarily any clerical members, which I think it ought to do, as this is a College to be devoted to a Christian community, an Ecclesiastical body, however much they may be broken

up

up now. It is emphatically a sectarian College, and designed for the education of persons belonging to the Presbyterian Church. Rev. R. Steel,
M.A., Ph.D.

256. Do not you suppose that all divinity professorships should emanate in their appointment from the Presbyterian Ecclesiastical body existing at the time? I think it is most preferable that the professors of divinity should be appointed by the corporate Church. 4 Sept., 1862.

257. Do you think that the 10th clause empowering the Board of Management to make and establish certain by-laws under certain rules, would be sufficient to meet the exigencies of the institution besides those provided for? For its internal government simply?

258. Yes? It would not be sufficient, as it appears to me, to meet entirely the case of students, but that may not be necessary in applying the law to the governors of the College.

259. Do you think the 11th clause would provide sufficiently for giving all Presbyterians professing to hold the Westminster Confession of Faith and the other standards of the Presbyterian Church, equal rights in such an institution as is proposed? It seems to me rather latitudinarian; not that I would wish to exclude any party holding the Westminster standards as they are commonly understood, but that these standards should be specified with greater distinctness than is here done, and that there should be subscriptions to those standards exacted from those that hold office in the Board of Management or in the faculty; but I should like to see the clause so expressed as that it would include those who believe that the 23rd section of the said Confession, which relates to the powers of the civil Magistrate, is supposed to inculcate intolerant principles in religion—I should be most happy to embrace those that hold that opinion.

260. Do you think that with the suggestions you have made, the constitution proposed could be rendered effectual for the accomplishment of the great end in view—the establishment of such an academical institution? I do not know that in answer to the questions addressed to me I have been able to express all the suggestions that I would make in reference to the Bill before us.

261. *By Mr. Hay:* From your examination of this Bill do you think that it provides for the incorporation of a College which could fairly come within the description to which, you will observe by the preamble of the Affiliated Colleges Act, the endowment is restricted, namely, Colleges in which “systematic religious instruction and domestic supervision with efficient assistance in preparing for the University lectures and examinations shall be provided for students of the University”? I think it scarcely meets that definition.

262. Does it provide necessarily for systematic religious instruction at all? It does not meet it, because it does not provide for religious instruction.

263. Does there appear on the face of this Bill anything to insure that the Board of Management shall be Presbyterians at all? Nothing, and still less that they submit to the standards by which the Church is bound.

264. Subscribers may not necessarily be Presbyterians;—does not everything here seem to depend upon the subscribers? It would be necessary, as it appears to me, that subscribers being Presbyterians should be the parties called upon to elect the officers.

265. Do you see anything to insure the Principal being a Presbyterian, or holding the standards of the Presbyterian Church? I have already stated that I see nothing guaranteeing the subscription to Presbyterian standards in either Board of Management or professors in the College, which I deem a desideratum.

THURSDAY, 18 SEPTEMBER, 1862.

Present:—

MR. FLETT, | MR. HAY,
MR. PIDDINGTON.

THE REV. J. D. LANG, D.D., IN THE CHAIR.

The Rev. J. McGibbon appeared as Petitioner against the Bill.

The Rev. John Dougall called in and examined:—

266. *By the Chairman:* Have you perused the Bill to incorporate the Presbyterian College? I have read it over. Rev. John
Dougall.

267. Does it appear to you that the constitution which that Bill proposes would be likely to promote the objects in view? I dare say it might promote the objects set forth there, though I do not pass any opinion on those objects. 18 Sept., 1862.

268. Do you approve of the substitution of trustees for fellows as the managing body of such an institution? I cannot say I have thought of the effect of that particularly.

269. Is there such an office as that of fellows in the Universities of Scotland? Not in connection with the Scotch Colleges.

270. Does not that designation imply an academical office and standing—fellows? It does.

271. Does it not appear to you incongruous to give such a title to persons who have no academical standing—who merely subscribe money for an academical institution? It is generally, I believe, a title obtained by scholarship; but it might be conferred, as some other titles are, on persons who had not gained honors, or been trained in the University.

272. Do you think that a managing body designated trustees would not be as efficient as one under the designation of fellows? They might attend to the temporalities and other matters, but as regards literary matters I think something of a literary character would be required.

Rev. John
Dougall.
18 Sept., 1862.

273. But the calling of the Managing Board "fellows" in the first instance, does not imply that there is a literary standing in the case of the individuals having that position? I think it has some sort of idea of that kind attached to it. I merely mean that the management by trustees might do as well as far as the temporalities are concerned, but as to the literary supervision of a literary institution there would require to be some literary qualifications and literary position.

274. You mean for the internal management and government of the institution? For carrying out the literary or ecclesiastical object of the institution.

275. Would that not be attained by having a faculty, consisting of the academical office-bearers in the institution, distinct from the trusteeship—from the Board of Management? It might be obtained in that way if their duties were clearly defined, so that the one would not be able to interfere with the other in carrying out the peculiar objects of the institution.

276. Are you acquainted with the constitution of the American Colleges? I cannot say I am particularly; I have some slight knowledge of them, but I cannot say I have made them a subject of study.

277. You are not aware whether there are any officers designated fellows in these institutions? I am not aware.

278. Are you not aware that there is a section of Presbyterians who are opposed to all connection of Church and State, and who would object to such a College as that proposed in what was called the St. Andrew's College Bill, wherein systematic religious instruction, in accordance with the doctrines and discipline set forth in the Westminster standards, would be afforded? I am aware that there are such persons in this Colony.

279. Who would object to such a College on the ground of its appearing to ratify the connection of Church and State? Yes.

280. Would it not be desirable to exclude from an institution intended for all Presbyterians what would give offence to any, if it were practicable? That, of course, would be tantamount to saying that the religious element, as supplied by the State, must be left out; in other words, that the institution intended by the Government originally could not be carried out, inasmuch as these parties could not take part in it.

281. Do you think it necessary to the carrying out of the objects of such an institution that the Principal should necessarily be a professor of divinity? I think that if it is to have any ecclesiastical aspect that would be necessary.

282. Do you not think that professorships of divinity could be established in the College independently of the Principal—I mean without rendering it necessary for him to have that position? We see in the Colleges at Home that the Principals are not necessarily professors of divinity; but in the circumstances that exist here, I should think it, as a matter of economy, and for other objects, highly desirable, and even necessary, that the Principal should be a theological teacher.

283. You do not consider it a matter of absolute necessity? I could not say it is of absolute necessity, but highly proper and highly desirable. Being Principal, and thereby having a general supervision over the whole, if there were ecclesiastical chairs, he might have it in his power, as the supervising authority, to interfere with the objects, and he would not be under the jurisdiction—at least he would not be so directly under the jurisdiction of the religious bodies, if it were intended to have an ecclesiastical aspect, unless he were one on whom they might have a definite hold.

284. Do you approve of the Principal and the Board of Management, whether trustees or fellows, being elected by the subscribers to the funds of the College, in the first instance? I had difficulties, in my connection with the original St. Andrew's College, in reference to the appointment of office-bearers—of those who would have any influence in deciding what would be the teaching there, or how the objects of the teaching should be carried out. I regarded the original institution as intended to be an institution for systematic religious teaching, as likely to train up students for the ministry, and as having a tendency to fix and modify the standards of religion; and it became a matter of difficulty with me in how far it would be just to commit so important a matter to an irresponsible body, which the subscribers might be. My idea was that the one Synod, or the two or three Synods which might join in this institution, should, through deputations fully entitled to represent the Synods, have the management of such matters; so that the Synods, which alone are responsible for the standards of religion, would have definite and complete control. It was a difficulty to me then how far, if it were handed over too much simply to the subscribers, it might be proper to allow them that, thereby not retaining a sufficient hold or realizing a sufficient guarantee that the standards of religion would be strictly in accordance with those which are acknowledged to be the standards of the Presbyterian faith.

285. Do you not think there might be a hold to a certain extent established, by rendering it necessary that all office-bearers should sign the Presbyterian standards—the Westminster Confession of Faith, the larger and the shorter Catechism? I do not think that would be sufficient; there might be a very wide interpretation given to certain points there. The particular Synods, as Synods, which joined in this matter, might draw up jointly a system of doctrine and a system of teaching which they could agree to, and take steps to have that definitely fixed. The objection I had to St. Andrew's College was, that instead of its being carried out by the Synods, as Synods, as definite ecclesiastical bodies, by thorough representation of them as Synods, it was given over to an irresponsible body without these Synods, as Synods, having any definite guarantee, or any power efficiently to insist on the religious teaching being such as they could agree to fully.

286. Do you think it desirable, in founding an institution of this kind for all time coming, that the divisions at present subsisting among Presbyterians should be recognized, and thereby perpetuated? I see great difficulty in that, and that was one of the reasons why I never thought an ecclesiastical institution, in the present state of affairs, practicable. I

have

have objections against the Affiliated Colleges entirely, as being before their time—as not being yet required—as not being likely as yet to be of any use, and especially the theological element. But in deference to my brethren in the ministry I assented so far to the movement, but departed from it when it did not seem to be carried out ecclesiastically.

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287. Do you not think that every ecclesiastical body should have a direct hold upon the teaching of those appointed to train up its candidates for the ministry—that every ecclesiastical body should have a distinct hold upon the teaching of any person employed to train up candidates for the ministry in that body? Of course, I hold that.
288. Do you think it would be safe to trust the systematic teaching of such candidates to any other persons? Not to persons over whom they have not a definite jurisdiction.
289. Supposing that it were agreed that the office-bearers should be elected by the subscribers to the funds of the College—do you think that the proposal in this Bill that every subscriber of £1 should have one vote, every subscriber of £10 two votes, and every subscriber of £50 and upwards three votes, is a proper arrangement? I am afraid that the reducing of the franchise (so to speak) so low as to £1 subscribers, would, for a literary institution, scarcely give us an electoral body having the proper qualifications. I think that in literary much more than in political matters, especially in so important an institution as this, we would require a decided standard of intelligence and judgment in those who have to choose the managing body. I am afraid the arrangement here proposed would give too much power to certain parties.
290. Do you not think it desirable that the industrial classes should be encouraged by all means to take an interest in an institution of this kind? I think they should.
291. Do you not think that lowering the franchise would have that effect? I fear it would scarcely have a beneficial effect. It might encourage them, but I fear whether it would not create evils that would be greater than the good to be obtained.
292. What would you fix as the lowest amount to entitle to a franchise? I would scarcely like to fix any standard; it would be very difficult.
293. Do you think that extending the franchise to a considerable number of persons of comparatively humble standing would influence in any injurious manner the educational character of the institution, if they were merely to elect its office-bearers—its Board of Management? I am perfectly aware that we cannot take the possession of wealth as a standard for the possession of intellect or of those judicious views that would qualify persons better to vote for the office-bearers of an institution like this; but I think that a large constituency, such as would be created by the adoption of this arrangement as to votes, would be open to several objections. I think it would not have happy results.
294. Supposing that the objection were a proper one for the permanent government of the institution, do you not think that persons of the class contemplated as coming in under the lowest franchise would be likely to have only a single opportunity of exercising their vote? If they exercised their votes in originating the system—in starting it—it would be even fully more important than any exercise of their votes afterwards in seeking to carry it on in the form given to it.
295. The latter part of the 8th clause is,—“And whenever the said eighteen trustees shall have been reduced in number, whether by death, resignation, or otherwise, to twelve, other six shall be elected, to supply the vacancies so created, by the surviving subscribers, together with such additional subscribers as shall then have contributed to the funds of the College.” Do you approve of that mode of supplying the vacancies that would be created? You mean this mode as opposed to the mode of allowing the Senate, or Trustees, or Fellows—whatever the designation may be—to supply vacancies in their own body themselves.
296. Yes—that the supply should be originated *ab externo*? Well, I see no objection to coming back to the original constituency.
297. Do you approve of the 9th section of the Bill, that all subsequent appointments after the first, whether of Principal, professors, or tutors, shall be made by the Board of Management? Holding the view that I take of the institution as a theological institution, I consider that however these are to be appointed they must be appointed in some way directly at the instance or under the control of the religious bodies who have their doctrines taught in the College.
298. But supposing this arrangement should contemplate the secular character of the institution exclusively, would there not be room enough for ecclesiastical bodies to have their separate professors of divinity? I should rather feel a difficulty in mixing up the two ideas. I am keeping in view the ecclesiastical aspect of the thing. I do not take into consideration the secular aspect. That would require to be a different consideration altogether. I do not contemplate a purely secular aspect for the institution. Of course if it had a purely secular aspect, whatever Board of Management might be appointed, it would be quite consistent for them to appoint the office-bearers. But I am not to be supposed as favouring a purely secular aspect, and as considering the best means of electing office-bearers on the understanding that the institution is to be secular.
299. But could not the appointment to professorships of divinity be in the exclusive management of the ecclesiastical body or bodies, while the general tutors were elected by the Board of Management as contemplated? I see considerable difficulty in mixing up the two.
300. Do you think that the power of making by-laws granted under the 10th section of the Bill would enable the authorities of the College to supply what was requisite for carrying out the purposes of the institution? I think it might.
301. Do you think it desirable that in such an institution as is contemplated there should be provision made for preparatory education for pupils not sufficiently advanced to enter the University? I feel rather in a difficulty from the mode of questioning. As I say I keep in view simply the institution intended by the Act, and, regarding that as a guide, I think

Rev. John . think it does not specially contemplate preparatory teaching. I can conceive that in the
Dougall. case of some students entering the classes and receiving tutorial assistance, it might be found
18 Sept., 1862. that they were a little backward in certain things, and that they might receive assistance from
the tutors, to enable them to bring up arrears, and go on with the better prepared students.
But I do not think the Affiliated Colleges Act contemplates a preparatory training
institution.

302. But do you think it desirable, independently of that Act, that there should be some-
thing of the kind superinduced upon an academical institution, such as that proposed? A
preparatory institution is certainly desirable, but the Grammar School answers this object
for Sydney. But I do not think that to give the institution, now under consideration, a
preparatory character, would answer the idea of an Affiliated College. It would rather be
starting a rival to the Grammar School, another institution endowed by the Government.
There is no doubt the original Bill contemplates the studies going on *pari passu*.

303. You think it desirable preparatory education should be afforded in a separate institu-
tion—I mean that it should not be afforded in the College? I do not think the Affiliated
Colleges Act contemplates that; it contemplates especially theological training and tutorial
instruction in the preparation of the tasks the students are receiving at the University.

304. To revert to section 5, it is expressed as follows:—"The Principal shall not be eligible
to hold the office of a professor of divinity in the said College."—Supposing that that
were proposed to satisfy the objections of those who are opposed to the connection of Church
and State, do you think that their difficulty might not be met by altering the wording so
that it should express that the Principal should not be *ex officio*, or in virtue of his office,
professor of divinity. Do you think that that would meet the case of such objections? It
might satisfy them; but I think it would be round-about way of getting over a difficulty,
drawing the salary from Government with the view that he must teach theology *but not*
"*ex officio*."

305. *By Mr. Hay*: Looking at the preamble of the Bill before the Committee, do you think
that an institution of the nature there described—"Wherein provision shall be made for
"the residence and domestic supervision of Presbyterian and other students, and for affording
"them efficient tutorial assistance in their preparation for the University Lectures and
"examinations"—would be an institution such as is contemplated in the Affiliated Colleges
Act? I do not.

306. That Act provides, I think, in the 1st clause, for the establishment of Colleges within
the University of Sydney, wherein, according to the expression in its preamble, "systematic
religious instruction," as well as domestic supervision and tutorial assistance, is to be given.
Are you aware of that? I am aware of it.

307. Do you see anything in this Bill which is now before us, which would insure its pro-
viding systematic religious instruction? Nothing.

308. Does there appear to be anything in it, as far as you can observe, except the name of
a religious character at all? Nothing except the name. And it struck me as rather per-
plexing, why, eliminating the religious element, and doing it to satisfy the prejudices of
certain who could have no connection with State Aid, the term "Presbyterian" should be
still introduced for an institution simple literary; it did not appear clear to me how a
Presbyterian—a denominational—aspect could be given to literature simply as literature.

309. Do you observe anything in the Bill that provides for any connection with the Sydney
University? I have not observed anything definite.

310. Have you looked through the Bill? I have.

311. Do you observe any such clause as that which formed clause 9 of the Bill formerly
brought forward for the incorporation of the St. Andrew's College, which provides that this
shall be a College within the University of Sydney, and that the students shall attend certain
lectures, and so forth? I notice that there is nothing in this Bill which provides for that.

312. Are you aware that in the deed of grant of certain land to the University for the
purposes of the Affiliated Colleges, a certain body is named therein as trustees for the land
to be devoted to the purposes of each of the Affiliated Colleges? Yes, I am aware that
certain parties are made trustees.

313. Those parties would be different would they not from the trustees alluded in this Bill?
Yes.

314. Would not some confusion arise in that way from having two sets of trustees in con-
nection with the same establishment? Certainly there would.

315. So far as appears in this Bill, is there anything to insure that those who are to have
the power of electing the Principal and the trustees, shall belong to the Presbyterian body?
There seems no guarantee for that.

316. They are to be subscribers simply? Simply subscribers.

317. Supposing that under the provisions of this Bill, additional subscribers were to come
in from time to time as the electors of the managing body of this institution, is there any
guarantee that these additional subscribers might be connected with the Presbyterian body;
you will see, at the end of the 8th clause, that vacancies are to be filled up "by the sur-
"viving subscribers, together with such additional subscribers as shall then have contributed
"to the funds of the College"? There seems no guarantee certainly.

318. An electoral privilege being granted to subscribers of very small amount, might not
that lead to very great abuse in an institution which purported to be a Presbyterian College?
It might be very likely to do so.

319. Do you think leaving the power of forming the Board of Management from time to
time to mere money subscribers, is likely to give a high character to an educational institu-
tion? I see great objections to it. I do not think it would be likely to do so. That was
one of the objections I had in view—that, along with others.

320. Do you not think there is a great advantage in giving some portion of the power of
management

management of a high educational institution to those who have been educated in that institution itself? I think there is an advantage in giving them —

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Dougall.

321. In giving graduates for the University, for instance, some power in the election of those who are to have the management of the University—Do you see any advantage in that? I see some advantage. Under proper restrictions I think it highly advantageous. 18 Sept., 1862.

322. Then you consider that, according to the way in which this Bill is drawn up, that there would be no guarantee for this institution being at any time or remaining of the character contemplated by the Act for the establishment and endowment of Colleges within the University of Sydney? I think there is no guarantee for its answering the objects of that Act.

323. Would you not, therefore, consider it an evasion of that Act to claim for such an institution as this, the amount of endowment provided from the public funds for an Affiliated College, incorporated under the provisions of the Affiliated Colleges Act? I should certainly consider it an evasion of the Act.

324. I think you have said already that you did not see any great advantage that was to arise from the institution of Affiliated Colleges at all, in connection with our University? In the abstract I could see advantages in them; but not in the present state of the Colony. In fact, I anticipated what has really taken place, that we were not likely to derive, at the present time, advantages at all proportioned to the amount of money devoted by the Government for them. I thought that notwithstanding the Presbyterians might raise £10,000 among themselves, and obtain £10,000 more from the Government, besides the yearly salary of £500 to the Principal of the College, it was not possible at the present time that there would be more than two or three Presbyterian students in such an institution. It was not that I had any objection to the Affiliated Colleges in the abstract, but that they were not likely, in the present state of affairs, and what is likely to be the state of affairs for some time to come, to produce any results commensurate with the outlay upon them.

325. Do you consider that there is any occasion for establishing, at such an expense, an additional educational institution, in connection with the University of Sydney, as a College, apart from the religious character that would seem to have been intended for the Colleges to be established under the Affiliated Colleges Act? I see many objections to it. If you start a separate and independent College it can only be a rival to the University itself. I could understand a tutorial system which should have no denominational aspect, if the funds granted for the whole four Affiliated Colleges—Church of England, Wesleyan, Roman Catholic, and Presbyterian—were to be thrown into one common fund, together with the annual endowment for the salaries of the Principals, so as to form a single literary institution in which tutorial instruction might be superadded to the University Lectures. You might then provide a fund for rewarding distinguished students, by giving them something in the nature of fellowships, or such an income as Fellows in Oxford or Cambridge receive, thereby providing prizes for them, and having a system of tutorial training without any denominational aspect whatever, which would have much greater efficiency, and attract a much greater number of pupils. If there is to be religious instruction it is obvious that the various religious bodies cannot meet on a common platform, but if it is to be simply literary instruction for preparing the subjects of study that are taught in the University, then a common system would be sufficient, and the Affiliated Colleges, as distinctive institutions, unnecessary.

326. Do you think that for merely literary purposes it would be better to devote the amount of public money necessary for the formation of an additional institution of this character, to increasing the professorships and other means of education within the University itself? I think that would be a preferable object to the other. Regarding the Presbyterian Affiliated College, as proposed, as a Scottish or Presbyterian establishment, merely secular, I may say that the tutorial system is not a thing obtaining in Scotland; it is not an appendage of the Scotch College system at all.

327. Do you not think that, even so far as tutorial assistance might be of advantage, and domestic supervision might be of advantage, these might be quite as well and more economically provided, the University giving licenses to graduates or others who might maintain private establishments for the purpose? I think so.

328. *By Mr. Piddington:* I would wish to ask whether you see, either in the Bill that was proposed for the incorporation of St. Andrew's College, or in the Bill before the Committee, any provision to secure that subscribers to the proposed institution should be members of the Presbyterian Church? I do not think that that is definitely provided for, even in the other Bill.

329. Under the St. Andrew's College Bill are not the subscribers invested with a similar authority to the subscribers to the present Bill, to elect a Council, in both Bills? They are.

330. Therefore, in that respect, there is no difference whatever? No.

331. Do you think that, if this Bill before the Committee becomes law, candidates for the ministry in the Presbyterian Church will enter this proposed College as divinity students? I do not think it likely. It is possible that, when the ecclesiastical instruction is superadded afterwards, they might do so.

332. Is there any Church in this Colony that can be correctly termed the Presbyterian Church, in the obvious sense of the term "Presbyterian Church," as used in the 4th clause of this Bill? There is nobody that has the title "Presbyterian Church" as its peculiar designation.

333. As used in that clause? No.

334. Are the Presbyterian inhabitants of the Colony united under any ecclesiastical organization which can be accurately called the Presbyterian Church? No.

335. Is it probable that all divinity students of the various portions of the Presbyterian Church will take advantage of this Bill? No; not of the College as set forth here.

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336. Is there any provision in this Bill which will secure the education of any students in the doctrine or discipline of Presbyterians? I see nothing here that guarantees that.
337. What guarantee is there, under the proposed Bill, that either the Principal or any one of the eighteen trustees shall be Presbyterians? I cannot see any.
338. In so far as the clauses of this Bill are concerned, may not the Principal and the whole body of trustees be all Unitarians? They might, so far as I can perceive.
339. Is there any provision in the Bill to insure that either the Principal or any of the trustees shall hold the doctrines contained in the Westminster standards? I have not perceived such a provision.
340. Then, under such circumstances, can this Bill be called a Bill to provide for the instruction of Presbyterian youth, or can it be called a Bill to provide for the establishment of a Presbyterian College? I do not think so.
341. *By the Chairman*: Referring to the 9th clause of the St. Andrew's College Bill—do you think that it is necessary to provide for the connection of a College, by a specific clause, with the University, when that College is to be established within the bounds of the University, and under the Act? I think it is proper to specify it—at least I can see no objection to doing so.
342. Is it not implied in the very existence of the institution that it shall be connected with the University? I think it would be advantageous to make it more specific—to have it distinctly announced.
343. But you do not see that it is absolutely necessary? I think it is highly proper.
344. Do you not think it implied in the 4th clause of this Bill that the office-bearers shall be in connection with the Presbyterian Church in the Colony? It may be said to be implied—to be expected that they should be, of course, but it is not provided for definitely. It is implied only in as much as the terms "Ministry in the Presbyterian Church" are used.
345. Does not that apply to all sections of the Presbyterian Church? I presume that is what is meant here—the different sections.
346. Do you not think it is what is said as well as meant? It is what is said certainly; but I question if the phraseology is exactly correct. It might give the idea that there was some united body so designated, whereas there are various sections of the Presbyterian Church—various religious bodies holding Presbyterian doctrines.
347. Supposing such an institution, as is contemplated in this Bill, should come into existence, do you think others than Presbyterians generally would subscribe for its establishment and support? They might. We often see for Presbyterian Churches all classes subscribing; for English Churches, and for various Churches, you see different denominations subscribing—Roman Catholics, Jews, and different religious bodies.
348. *By Mr. M'Gibbon*: Looking at the preamble of the Colleges Act, and looking at the preamble of the Bill now before the Committee—do you think the Bill properly comes under the Colleges Act—that they contemplate institutions of a similar character? I do not think so.
349. What is peculiar to the Constitution of the University of Sydney as compared with the Universities of Edinburgh or Glasgow? Its having no religious aspect.
350. Then it is to meet this deficiency in the University that the Government established these Colleges? I presume so.
351. What is your opinion of the expression "systematic religious instruction," as used in the Affiliated Colleges Act? I apprehend it means the teaching of theology in all its relations and dependencies, as a system, as a science.
352. Do you think the present Bill contemplates anything of that description? I think not.
353. Do you think then that the present Bill is fairly entitled to the advantages offered by the Affiliated Colleges Act? I do not think so.
354. Do you think that, if a College of the kind contemplated in the Bill before the Committee were established, it would be recognized by any of the Synods at present existing, and taken advantage of for its students? I do not think it could.
355. Is there any provision in this Bill securing the soundness of the teaching that is in due course to be dispensed in this institution? There does not seem to be any. There is no jurisdiction implied, either of any separate religious body, or of any representatives of various sections constituted such in a proper ecclesiastical way.
356. What is the body that is to have the power, as provided in this Bill, for the election of the professors of divinity that are expected to be in due time appointed? I think the Board of Management.
357. Then the Board of Management would have the power of electing the professors of divinity as well as the professors, and tutors, and Principal? The principal at first, I think, is to be elected by the subscribers—the Principal and so many of the trustees.
358. The Board of Management is to be elected by whom? By the subscribers.
359. And the Board of Management thus elected by the subscribers are to elect the professors of divinity that are expected to be appointed? Yes.
360. You see then that there is no provision in the Bill that the subscribers shall be Presbyterians, or that the Board of Management shall be Presbyterians, or that the Professors and tutors shall be Presbyterians? Nothing beyond implication.
361. Do you think a Board of Management thus elected, and professors of divinity thus elected, would command the confidence of the Synods of the Presbyterian Church? I do not think they could. I do not think it would be proper for the Synods, although the parties might be good Presbyterians, to take that on chance simply, or otherwise, than as having themselves a definite jurisdiction.

362. You have looked at the scale of voting proposed to subscribers in this Bill—one vote for £1, and so on—do you think that scale is one that would be accepted by Presbyterians generally? I can scarcely answer as to that, but I see certain objections which I have already mentioned.

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363. The object of reducing the scale so low is for the purpose of encouraging the industrious classes to take an interest in the proposed College, and also to prevent anything like a money power—do you think there is not a greater likelihood of being a greater evil, by the power being thrown into the hands of subscribers, of such a small amount as £1, which would be especially objectionable, inasmuch as there is no provision that the subscribers shall be Presbyterians, or that the parties they may elect shall be Presbyterians? I think there are considerable dangers.

364. Allowing for a considerable number of larger subscribers, and also for the number of votes that the larger subscribers would command, do you not think that, as the greater number will unquestionably be the smaller subscribers, the larger subscribers must be entirely neutralised? They are likely to be so of course.

365. Do you think it desirable that the Principal of a Presbyterian College should be a Minister of the Presbyterian Church? I think it is.

366. How would he declare or make manifest his Presbyterianism—how would he make it manifest that he was a Presbyterian, under this Bill? It might be judged of by the character of his teaching.

367. Should it not be by his subscription to the Presbyterian Standards? Yes.

368. Do you think the purpose of this Bill is to make the College in the first instance entirely secular? It is.

369. I think you have said that you object to a simply secular institution? I do. I do not see what denominational differences have to do with merely secular teaching.

370. *By the Chairman*: In reference to your objections to the Affiliated Colleges, do you not think that the state of the case is totally altered from what it was in the first instance, now that we have Affiliated Colleges of the Episcopal and Roman Catholic communions—do you not think that alters the case very much? Do you mean so as to be an inducement or stimulus to us to get one?

371. So as to be a reason why there should be one of a different communion from either of those? I am inclined to take the opposite view. I think that the decided and unmistakable failure of those institutions is a ground to confirm the view I took from the first, of taking no steps in the present state of things. If these Colleges had been successful, it might have been a stimulus to us to get one; but their utter failure seems to me rather an argument against our doing the same thing.

372. Are there not two such institutions in existence now? There are two institutions—one of them at any rate in a languishing way; the other, I have heard, is endeavouring to get a Bill to give them greater latitude by setting aside certain restrictions of the Act. The proposed Wesleyan College has been dropped altogether.

373. But do you not think that the case is considerably altered from what it was in the first instance, now that there have been two Affiliated Colleges established under the Act? I do not see that the argument for the establishment of such an institution in connection with the Presbyterians is strengthened by these two. I hold the view that their failure should rather be a beacon to us not to squander the public money with another, at present.

374. Do you think the failure of these institutions renders it necessary that the Presbyterian College should fail also? I think that, if very numerous, united, and wealthy bodies, have failed, with everything in their favour, disunited presbyterianism, which has less numerical strength, is still more likely to fail.

375. Referring to your answers in reference to the mode of election, are you acquainted with the writings of Sir William Hamilton on that subject—on the constitutions of the Colleges and Universities of Europe? I have read them some years ago.

376. Do you recollect whether he approves of the election to professorships in academical bodies being in the hands of the graduates? I do not think he approves of that, so far as I can recollect.

377. Do you recollect that he expressly disapproves of it? Yes, I do recollect that he shows certain evils resulting from it.

378. Do you recollect whether the cases that he holds up to the admiration of Europe, in regard to the constitution of academical bodies, are just those in which a different system prevails—in which the election is *ab externo*? I do not sufficiently recollect the particular instances; but I am aware that in tracing some evils in the constitutions of Oxford and Cambridge Universities, he mentions that as one of the causes that have produced an evil influence.

379. Are the Colleges and Universities of Europe at all similar in their constitutions to the Colleges contemplated under the Act here? I am not aware that there is anywhere a system of Affiliated Colleges of the stamp contemplated here.

380. Are you aware of the provision that is made in the Act establishing the University of Sydney, for providing students with suitable residences and careful domestic supervision by the licensing of boarding houses? I am aware there is such a provision.

381. *By Mr. Piddington*: Do you know whether there is more than one College established under the Affiliated Colleges Act in Sydney—one College in a position to take students? I do not think there is any other than St. Paul's College in a position to take students. The Roman Catholic is not yet finished, I believe.

382. Do you know whether any of the students in St. Paul's College are, or have been, students of divinity? I am not aware; I do not think so.

383. Are you aware that there is a special College intended for the advantage of students of divinity belonging to the Church of England, established at Liverpool? I am.

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384. And that that theological College receives the sanction and favour of the Bishop of Sydney? Yes, I am aware that he has never looked favourably on the Affiliated College as applicable to students of divinity.
385. Do you think that there is in this Bill any security that the officials connected with the College proposed to be established under it, will teach denominational views of any description? I do not think there is.

Nicol Drysdale Stenhouse, Esq., examined:—

- Nicol D.
Stenhouse,
Esq.
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386. *By the Chairman:* Have you perused the Bill before the Committee, to incorporate the Presbyterian College? I have.
387. Does it appear to you that the constitution which it proposes would be likely to prove conducive to the ends proposed in such an institution? It does not appear to me that there is anything in the Bill, to impress on the proposed institution the distinctive character of a Presbyterian College, as it prescribes no test by which the religious principles of the professors or tutors, or even of the Principal, are to be determined; but very slight alterations might be sufficient to supply the omission.
388. Could you suggest such alterations? I think that the preamble should be widened; that reference should be made to the expression contained in the deed of grant to the Colleges,—“systematic religious instruction”; and that the Principal and the eighteen trustees should be Presbyterians, professing adherence to the Westminster Confession of Faith, and the other standards of the Presbyterian Church, with or without the objection mentioned in the 11th section of this Bill.
389. Do you consider this as affecting the principle of the Bill, or rather as a matter of detail, to fix its character? I have no doubt that the Presbyterian character of the College is implied in the Bill; but I think at the same time that there should be something amounting to a formal and distinct recognition of it, such as I have hinted at. The proposed institution cannot be strictly called a Presbyterian College, so far as regards any direct definition of its character and objects contained in the Bill itself.
390. Is it not implied in the 4th section of the Bill, that it shall be an institution in connection with the Presbyterian Church? It is implied there, but I humbly think too vaguely.
391. You think it should contain a formal expression of—? Of the religious principles of the persons who are to have the control over it; but that could be very easily done. I do not believe that the omission was intentional, as the framer of the Bill might think that the Presbyterian character of the institution was sufficiently implied, and as matters of detail, which he had to provide for, might have more particularly engaged his attention.
392. Are you aware that there is a section of Presbyterians who object to all connection between the Church and the State? I am.
393. Do you suppose that they would object to such a College as you have suggested? I do not think they would. All Presbyterians hold the main doctrines alluded to in the 11th section; and a distinct provision, that the office-bearers of this College should profess adherence to the Westminster Confession of Faith, and the other standards of the Presbyterian Church, with or without the clause relating to the powers of the Civil Magistrates, would, I believe, be open to no objection on the part of that branch of the Presbyterian Church to which you refer. Some such provision, as I have said, is indispensable.
394. Do you approve of the substitution of “trustees” for “fellows,” as the designation of the Board of Management? With reference to the proposed mode of electing the office-bearers in question, and to the nature of their duties, I certainly prefer the appellation of “trustees” to that of “fellows.” I think too that the subscribers should be the electors.
395. Is the word “fellows” an academical title in Scotland? Not so far as I am aware.
396. Does it not imply an academical status? It implies either an academical or a scientific or literary status.
397. Do you think it congruous to give such a designation to persons who have not an academical status? I do not think it an appropriate term.
398. There is no such designation known in the Scotch system of academical education? No.
399. Do you approve of the 5th section of the Bill, that “the Principal shall not be eligible to hold the office of a professor of divinity in the said College”? No; I think this section should provide merely that the Principal shall not *ex officio* hold the office of professor of divinity in the said College. That is nearly the purport, so far as I recollect, of a corresponding clause in the Act, applicable to the present constitution of the University of Edinburgh.
400. Do you think that that change would be sufficient to satisfy the objection of those who are opposed to the connection of Church and State? I think it would lessen the stress of the objection.
401. Do you think that the Principal and the first eighteen trustees, or the Board of Management, whatever it may be called, should be elected by the subscribers to the funds of the College? If that arrangement can be reconciled with the Colleges’ Act and the University Act, I do not know of any more rational or expedient mode of providing for the first election. I say so on account of the unhappy differences among the Presbyterian clergy in this Colony. I think that the main body of the Presbyterian community would subscribe, and would be more likely to make a proper selection of office-bearers than the members of Synods, so violently opposed to each other as some are.
402. Do you think that fixing the franchise so low as £1, is objectionable in such a case? I think it might be liable to abuse; but from what I have seen—and my acquaintance with Presbyterians

Presbyterians is extensive—I believe that a large proportion of those who could contribute no more than £1 would, in all the higher qualities of intelligence and piety, be fully on a level with those who could contribute £50.

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403. Do you approve of the 9th section—"All subsequent appointments, after the first, whether of Principal, professors, or tutors, shall be made by the Board of Management? I do not see any great objection to it, if it is not inconsistent with any provision in the Colleges and University Acts. Unless something better were pointed out, it seems, as the choice lies, among difficulties, to present the least.

404. Do you approve of the system of Affiliated Colleges generally? I have no high opinion of them generally, as those which have been established in this Colony do not appear to have answered their purposes. But in fact I know very little of the system they have pursued.

405. But is the case not very different now for Presbyterians, when there are other two Affiliated Colleges established in connection with the University? Those Colleges, as I have said, seem to have been failures. But I cannot overlook the great importance of having Presbyterian students placed under such discipline as may insure their proficiency in the highest branches of an academical education, and at the same time provide for their systematic instruction in the capital principles of the Presbyterian faith,—as they are apt to be so fascinated by the talents and acquirements of their teachers, that if they are not under proper control, and are but imperfectly acquainted with their own creed, they embrace the creed of their teachers.

406. Do you think Presbyterians generally would be likely to elect to office in connection with an institution bearing this name, persons in whom the public could not place confidence? I do not think so. I believe that the appointments made in the first instance by the people would be very judicious.

407. Have you any suggestions to make in reference to omissions or redundances in this Bill? In the 11th section there is a slight mistake. Allusion is there made to the 23rd "section" of the Confession of Faith, instead of the "23rd chapter." The 3rd section of that chapter contains a definition of the Civil Magistrate's power in ecclesiastical affairs, a definition which some consider very objectionable. But on the one hand Erastians strain it as not going far enough, while, on the other, those holding opposite principles in matters of church government, object to it as going too far; so, according to the maxim, that "truth lies in the middle," it is very likely to be correct. However, the option of repudiating this clause of the Confession would tend to conciliate the United Presbyterian Synod, and other minor bodies opposed to all connection between Church and State, as a member of that persuasion might be a Principal or a professor in the proposed College.

408. Is it not desirable that there should be nothing in such an institution to induce such bodies to refuse connection with it? Most assuredly. In the present divided state of the Presbyterian Church here, it is desirable to avoid everything that can give offence to any one body; but, at the same time, it is equally desirable to impress on the contemplated College a distinctly Presbyterian character.

409. And you think that would be done by supplying the clause omitted from the preamble, with reference to systematic religious instruction, and by requiring the office-bearers to sign the Presbyterian Standards? Some such modification would make this a Presbyterian Bill. I think it must have been from the anxiety of the framer to guard against the possibility of coming into collision with those who object to any connection between Church and State, that anything objectionable has been inserted, or anything desirable omitted. By attempting to avoid one extreme, he has fallen into another.

410. *By Mr. Hay:* You have said that you consider the Affiliated Colleges already established to be a failure? They seem to me to have been so.

411. They are not likely, then, to attract any considerable number of Presbyterian students, I suppose, in your opinion? They are not. They may, however, be resolved into secondary institutions, or schools of a superior class for boys belonging to the Church of England, or to the Roman Catholic Church—formed on the same principle which I wish to be recognized in the Presbyterian College, namely, that the students should receive systematic instruction in the main doctrines of the faith in which they have been reared, and be subject to strict moral supervision. I think it will be sometime before this Colony is ripe for a Professorship of Theology in the Presbyterian Church, whatever may be the case with respect to the Roman Catholic Church, in which there is no division, or to the English Church, in which I suppose I may say there is no formal or recognized division.

412. In the University the present Professors do not, I think, all belong to one religious body—some belong to the Church of England, and I think one—Professor Smith—is a Presbyterian? I believe he is; I am not personally acquainted with him. Dr. Woolley I know intimately; he belongs to the Church of England.

413. Do you think that we might not trust to private means for supplying this tutorial assistance, and even this religious supervision to Presbyterian students attending at the University? Any efforts to combine those advantages have, I think, been very languid and inefficient. And though these Affiliated Colleges have, I understand, been failures, as regards the scale on which they have been formed—yet secondary institutions may spring out of them, which may require Presbyterians to provide for the protection or extension of their faith, by some such institution as that contemplated.

414. When we see those institutions assume the useful character you speak of, would we not be in a better position then to take the necessary measures for protecting Presbyterian interests in connection with the University? I think we might. The necessity would then be more urgent.

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415. Do you know that there are now two graduates of the University, both of whom are, I believe, Presbyterians, who have opened an establishment for the purpose of supplying tutorial assistance to students connected with the University—I mean Mr. Hawthorne and Mr. Kinloch? Yes, so I have heard; but I am not aware that they communicate any religious instruction to their scholars. I am afraid Presbyterian students acquire very lax notions, as regards Presbyterianism, in the University.

416. Do you not suppose that gentlemen in that position, who deal directly with the parents and guardians of the students, are quite as likely to exercise really efficient religious supervision, as the authorities of a College, such as is contemplated here? I think they are; but I believe there has never been anything done in that way for students belonging to the Presbyterian Church on so extensive a scale, as for students belonging to other churches, nor on any satisfactory basis.

417. The College itself, in connection with the University, is not on a very extensive scale, is it? No, it is not.

418. Does it not strike you that more might be done with the money contributed from the public funds for the assistance of these Colleges, by founding additional professorships, and otherwise increasing the usefulness of the University itself as a literary institution;—do you not think the number of professorships in the University is very limited? Yes, it should be much extended; medical and other professorships ought to be established.

419. Do you think that even the literary studies can be properly carried on with only three professors? They may be sufficient, as the number of students has been very small. But no effort has ever been made in this Colony—at least I have not known or heard of any—to establish an institution where the cardinal principles of the Presbyterian faith, without regard to the divisions of the Presbyterian Church, were to be distinctly and systematically taught. I never regarded the expression “systematic religious instruction” as importing solely or primarily that professorships of theology should be erected in the various Affiliated Colleges, but merely that students should enjoy the benefit of regular instruction in the leading doctrines of the various churches to which the Affiliated Colleges should belong. That seemed to have been the understanding of the Bishop of Sydney, in establishing a separate theological institution. And above all, any interpretation of the clause in question, more restricted than that which I have adopted, would render the Act a dead letter as regards the erection of a Presbyterian College in this Colony, as even in Scotland, where dissensions do not mount so high as they do here, the various sections of the Presbyterian Church have each theological professorships. The students of the Free Church in Edinburgh, for instance, have their own theological professorships; they would not attend the lectures of the theological faculty in the University.

420. Have they not a separate theological College? They have; and others, such as the United Presbyterian Synod, have a separate theological institution. It is only the students of the Established Church of Scotland that will attend the lectures of the professor of divinity, and of the other theological professors in the Universities.

421. Do you know any University in which there are theological chairs belonging to different bodies? None. In Scotland, at least, they are all in connection with the Church of Scotland, so far as I know.

422. Then if in this proposed institution there were separate chairs in connection with separate Synods, you would think that a thing without precedent so far as you know? It would be without precedent so far as I know.

423. Do you see anything in this Bill providing for the election of the first professors and tutors, although there is in the 9th clause an allusion to subsequent appointments? There seems to be an omission in that respect. I was under the impression that the first professors and tutors were to be chosen by the Board of Management; and that seems to be implied in the 4th clause, which enacts that “so soon as there shall be one or more such professors or tutors appointed by or with the concurrence of the Board of Management,” they shall form a faculty for the maintenance of discipline and the regulation of the business of education; but I do not observe that there is any where anything more definite with respect to their appointment.

424. You have already said, I think, that you consider the election, by the subscribers in the first instance, of the Board of Management, likely to answer? I think so. There is a difficulty; but I think, on the whole, the proposed mode of election is the best, provided that it can be adopted in consistency with the grant to the College.

425. Do you not think the provision for the future is rather loose and vague, as provided by the Bill, which specifies that vacancies from time to time shall be supplied “by the surviving subscribers, together with such additional subscribers as shall then have contributed “to the funds of the College.” In course of time would not this become rather an unsatisfactory mode of election, inasmuch as it might place the election in the hands of those who for the mere purposes of the election might contribute to the funds of the College? It would scarcely be a reliable mode of election for all future time. It is there that the great difficulty lies.

426. You see the additional subscribers would come in course of time to be the only electors, and small contributions of £1 each might almost be got from time to time for the purpose of swamping the proper electoral body? I think that the provision may be capable of improvement; but nothing better has been pointed out.

427. *By Mr. Piddington:* Is this Bill intended, in your opinion, to impart sound religious instruction to the Presbyterian youth of the Colony? That it is so intended I have no doubt, though the purpose is merely indicated by implication.

428. If this Bill is intended to promote sectarian instruction, can Presbyterians support the proposal who are opposed to the Church receiving support from the State? I am not sure what I am to understand by sectarian instruction.

429.

429. I leave you to form your own opinion of how I use the term, from the object you say the Bill contemplates? I think that all Presbyterians might support it.

430. Notwithstanding that £500 a year is provided as the salary of the Principal of this Denominational College, under the Affiliated Colleges Act? The Bill in its present form provides that the Principal shall not hold the professorship of divinity in the said College.

431. But the Principal of any College, established under the Affiliated Colleges Act, would be entitled to receive from the State a salary of £500 per annum, and under the same Act any College established to the satisfaction of the Government may receive £20,000 from the State for building purposes? The Presbyterian faith of the Principal should be subjected to a distinct test, but as he would not be, or not be *ex officio* a professor of theology, I think the main objection of those opposed to State Aid would, as regards the proposed College, be obviated.

432. You do not think there would be any compromise of the principle on part of persons opposed to receiving State Aid, if they were to support a College of which the Principal receives £500 a year from the State? No, I do not think that the mere fact of his attending, as part of his duty, to the religious instruction of the students should create any difficulty in that respect.

433. Nor do you think the principles of such persons would be violated by their supporting a College receiving a sum of £20,000 from the State in order that it might be built? I think not, looking to the general objects of the College as an educational institution.

434. What guarantee would there be for the instruction of Presbyterian youth in Presbyterian principles in such a College as that proposed by this Bill? The Bill in its present form contains no precise provision for that purpose; and I have suggested that a clause should be introduced distinctly fixing the character of a Presbyterian College on this contemplated institution.

435. What would be the nature of the clause that you think necessary to secure the conformity of the professor, connected with the proposed College with the principles, doctrines, and discipline of the Presbyterian Church? It should be set forth that "systematic religious instruction"—if that expression is to be perpetuated, so as to comply with the words of the University Act—should be imparted in the essential doctrines of the Westminster Confession of Faith and other standards of the Presbyterian Church, or something to that effect.

436. Then you think it is necessary that a clause should be introduced in this Bill providing that the professors and tutors should consist of gentlemen who are willing to subscribe to what are called the Westminster Standard? Yes, such a profession as is expressed in the 11th section of the Bill substituting "the twenty-third section" for "the twenty-third chapter."

437. Would not, with that alteration, the character of this Bill be a purely sectarian one? Yes, like all other denominational institutions.

438. It would be denominational in the sense of being a Presbyterian College? Yes.

439. *By Mr. Mc Gibbon*: You think the preamble of this Bill is defective? I do.

440. In consequence of its leaving out the expression "systematic religious instruction"? Yes, I think it should be widened, so as to include every purpose which may be supposed to come within the meaning of the term "systematic religious instruction."

441. What is your opinion of the term? I do not take it to mean that comprehensive theological knowledge which must be acquired by those who are to become clergymen. The course of theological instruction in the University of Edinburgh, for instance, comprises systematic theology, ecclesiastical history, biblical criticism, and so on; and as "the systematic religious instruction" to be imparted in these Colleges seems to have been intended for all students alike, whether clerical or not, holding the same faith, I cannot think the expression implies, primarily or solely, the peculiar theological training necessary for clerical students.

442. Inasmuch as it comprehends all, do you not think that that kind of theological instruction given to candidates for the ministry should be recognized in this College? I was going to suggest that the expression might be so widened or altered as distinctly to include the contemplated possibility that theological professors and tutors would be appointed in course of time. I cannot suppose that it was intended by the framers of the Affiliated Colleges Act, that lay students should receive the same instruction in all the branches of a theological education as clerical students.

443. But supposing it to be the fact that this expression does include all these branches of theological instruction, that does not necessarily imply that all of them shall be taught to all the students attending the College? I think that the expression applies to all students without distinction—that it is primarily imperative to communicate to all the instruction spoken of, and therefore that the expression must be taken in its wider sense. The expression is very vague and unsatisfactory.

444. Are you aware that the author of the Bill conceived the expression "systematic religious instruction" to have that definite and exclusive meaning? I am not aware. The Bishop of Sydney seems at all events to have put the same interpretation on the clause which I have, if I may judge from an address of his which I read shortly after I had been examined here on a former occasion.

445. In the preamble of this Bill you see that the proposed College is intended not merely for Presbyterian students but for other students? I did not observe that.

446. You would understand by that, students not Presbyterians? Yes; I think, at all events, as I have said, that the College ought to be an institution distinctly Presbyterian; but I do not see any objection to other students attending it if they chose.

447. The expression here shows, that by other students are contemplated those that are not Presbyterians — ? As the clause stands, it may mean students of any other faith.

448. In connection with that, look at the seventh clause of this Bill;—you see there that students

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- students may have some power in calling meetings connected with the management of the institution? Yes.
449. Now there is no guarantee, is there, in the whole of this Bill, that the subscribers shall be Presbyterians? None that I see.
450. Is there any guarantee in the whole Bill that the persons elected as a Board of Management shall be Presbyterians? No, not as it stands.
451. Is there any guarantee in the Bill that the professors and tutors shall be Presbyterians? Not as it stands, except by implication. The same qualification may be added to my other answers.
452. Well then, you see that the subscribers may not be Presbyterians, that the persons elected may not be Presbyterians, that the professors and tutors who are teaching may not be Presbyterians, and that the students may not be Presbyterians? I do, so far as regards any *distinct* expression to the contrary in this Bill as it now stands.
453. Are you aware that this Bill, as it is laid before us, is intended to be the constitution by which the affairs of the College shall be regulated? I suppose it may form the basis of such a constitution, subject to such alterations as it may undergo in Committee.
454. Can you state whether there is in this Bill any provision for the character and soundness of the persons who may be chosen as professors of divinity? No, as it stands, except that they are to be elected by the subscribers.
455. And the subscribers may be anybody;—what is the body that is to have the electing, in the first instance, of professors of divinity? It is not distinctly stated. Mr. Hay, I think, put that question to me. I suppose it would be the Board of Management.
456. You will observe, in the 9th clause, that all appointments after the first, whether of Principal, professors, or tutors, are to be made by the Board of Management, who are to elect the successive Boards of Management? The 8th clause seems to show by what parties the appointments to the Board of Management are afterwards to be made, namely the subscribers.
457. With reference to the word "trustee," you are aware that under the deed of grant there are certain persons specified who shall be trustees of the College;—the word, therefore, having been already appropriated to other persons, do you think it would be right to adopt it here? (*The witness referred to the deed of grant.*) Yes, that might lead to some confusion, perhaps; but the trustees referred to in the grant seem merely to be parties in whom the legal estate of the property is vested.
458. It is the same word "trustee"? Well, I do not think much difficulty could arise from that. The duties of the trustees under this Bill are active; the other trustees seem to be mere passive grantees.
459. There is no educational or theological aspect in the word "trustee"? No.
460. Is not that a reason, as the word "fellow" has an educational aspect, that it should be more applicable? I think the title "trustees" more appropriate to the office-bearers in question than the title "fellows."
461. Seeing that the election of a divinity professor is in the hands of a Board of Management constituted as we think this is likely to be, do you think it is likely that any person holding a high position in the Church would accept an appointment to be subject to such an irresponsible Board? I think he might.
462. You think the section of Presbyterians that object to the connection between Church and State would not avail themselves of the services of a professor of divinity, were he to be in receipt of £500 a year from the Government? I think they would object to a Principal receiving that sum as professor of divinity, whether there be any force in the distinction or not.
463. Do you not think that section of the Presbyterian community would equally object to send their children to receive systematic religious instruction from another person than a professor of theology receiving the same money? If sufficient care be taken to test his principles, I do not think they would.
464. Is there any provision in this Bill to test his principles? No, I have already spoken as to that; I do not think a clergyman of the United Presbyterian Synod would object to send his children to be educated at the proposed College, even if the Principal were a member of the Established Church of Scotland, on the ground that the children would receive such religious instruction as I have mentioned.
465. Do you approve of the subscription being reduced so low as £1? I think that many who might not be able to subscribe more than £1 might be as religious and as good judges of what the Principal of a College should be as richer men.
466. Do you know how these subscriptions are to be paid? No.
467. Are you aware that they are to be paid in the proportion of a fourth part every year, under the Colleges Act? I do not know as to that.
468. The fourth part of £1 is 5s., and for 5s. paid down, a man would have a vote? Though the Act only requires that the subscription should be paid by instalments in four years, I think it probable that so low a subscription as £1 would be paid at once.
469. I point that out to show that the objection to a larger subscription, as the condition of a vote, is very much reduced when you look at the way in which the subscription is to be paid? I think there is a difficulty in fixing what subscription should give a title to a vote, but upon the whole, I would say that in all probability neither you nor I should have reason to object to the first Principal and first eighteen trustees who would be elected.
470. This Bill provides that no more than three votes shall be given to any subscriber—three being given to a subscriber of £50 and upwards;—do you think such an arrangement is likely to encourage large subscriptions? I think Presbyterians generally would not care for that; they would be very ready to acknowledge what I have said to-day, that among the poor we meet with as much intelligence and earnestness as among the rich. 471.

- 471. You think votes would be no object to those who would subscribe above £50? No, I do not think they would.
- 472. Do you not think that under such an arrangement as this, the influence of the large subscribers would be entirely neutralized? I can see that it would; but in connection with an institution such as this, impressed with a religious character, we are not to pre-suppose, as a matter of course, that anything unfair would be practised. It is much less easy to build up a system than to point out its defects.
- 473. By reducing the subscription to £1, is there not as much danger of throwing all the power into the hands of the small subscribers as, on the other, by retaining it at what it was originally—£10? I think that those who would subscribe £1—and there would be a great number of such subscribers—would exercise their right of voting with strict conscientiousness.
- 474. *By the Chairman:* Do you think it likely that under such a constitution as this the subscribers to the Presbyterian College would be likely to elect a body of Unitarians? I do not; but the Bill should set forth some such test as I have mentioned. I do not think it proper in a solemn matter of this sort to rely on the effect of any *implied* provision against the possibility of abuses.
- 475. *By Mr. Piddington:* Are you aware, as a matter of fact, that trustees of church property originally intended for Presbyterian purposes have in the lapse of time, in England, gradually become altogether Unitarian in their character, and have applied the property to Unitarian objects? I have heard so.
- 476. In many cases? In some very important cases.
- 477. Do you recollect a charity called Lady Hewley's charity? I was just going to mention that.
- 478. Was not that a case where property intended for Presbyterian objects was diverted to Unitarian objects? Yes, it has become exclusively Unitarian, unless there has been a change within the last thirty years.
- 479. *By Mr. McGibbon:* Under this Bill as it stands, the College is in no way secured from such an alienation? I think that the Bill, as I have already said, should be made more distinct on this head.

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FRIDAY, 26 SEPTEMBER, 1862.

Present:—

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| MR. WALKER,
MR. DICKSON,
MR. MORRIS. | | MR. PIDDINGTON,
MR. FLETT, |
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THE REV. J. D. LANG, D.D., IN THE CHAIR.

The Rev. John McGibbon called in and examined:—

- 480. *By the Chairman:* I understand that you object to the preamble of this Bill;—what is the nature of your objection? The nature of my objection is that the preamble is entirely defective, and purposes to establish a College different from what I believe the Affiliated Colleges Act intends a Presbyterian College to be. I think that, looking at the preamble of this Bill, the College that is proposed to be built, and called a "Presbyterian College," would be an entirely different institution from that which the Affiliated Colleges Act purposes.
- 481. That is your objection to the preamble? That is my objection generally.
- 482. Have you any other objection to the preamble? To specify the particular objections, I might mention that the word "Presbyterian" is a misnomer as applied to the College intended by the Bill; and next, that there is a distinct elimination of the teaching of "systematic religious instruction,"—a provision which I think is of the greatest importance, and stands first in the series of expressions showing the purpose for which these Colleges are to be erected; and next, it seems to me that the purpose of this Bill is to establish a merely secular institution, similar in all respects to the University itself, with the exception of there being superadded tutorial assistance and residence.
- 483. Have you any objection to the 1st clause of the Bill? I have, generally speaking, an objection to it, as I think it is defective in several points. I object specifically to the use of the term "trustees," as it is intended to be used in connection with this College. My objection to the term "trustees" is not only that the word "trustee" specifies nothing (a person may be a trustee of anything whatever), but also that it has nothing of an educational aspect in it; and besides, as I have already shown in the questions I have put to the witnesses that have been examined, the term "trustee" is already used in the deed of grant, and applied to parties entirely distinct from those here intended, and having duties entirely different.
- 484. Have you any objection to the 2nd clause of the Bill? No, I do not think there is any objection to that as it is a merely formal clause.
- 485. Have you any objection to the 3rd clause? The objection I have to the 3rd clause is very similar to the objection I have to the first;—the constitution of the Board of Management I entirely object to.
- 486. What are your objections to the 4th clause? I can hardly state what are my objections to the 4th clause, because I object to that clause altogether; it does not seem to me to be a clause suitable in any respect. What an *expectation* can have to do with a Bill of this kind or how an "expectation" can be enacted, I cannot conceive, because you may *expect* anything

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anything, and provide a clause for such expectations. The Affiliated Colleges Act purposes that from the first, the Colleges built under it, shall be institutions of a nature in which systematic religious instruction shall be imparted. This clause holds out the expectation that at some time or other this MAY come into operation, but it is not a thing that is purposed from the beginning. Besides, I have a very strong objection to the arrangements that is purposed here under this 4th clause—not to mention the fact that it is merely “expected” that there will, in due course, be divinity and other professors and tutors appointed to train up candidates for the ministry. I do not know that the duties which are here assigned to the “faculty” are clearly defined, as distinct from those that are assigned to the Board of Management—“for the maintenance of discipline among the students and for the regulation of all matters connected with the business of education in the College.” The Board of Management seems to have something very similar. However, I object to the 4th clause entirely, because, whereas the Affiliated Colleges Act distinctly provides that the Colleges built under it shall be institutions wherein “systematic religious instruction” shall be communicated (which of course implies, as of prime importance, the professors of divinity and so on, mentioned here), this Bill simply holds out the expectation that at some time or other such a thing may happen.

487. What is your objection to the 5th clause? My objection to the 5th clause is, that whereas the Affiliated Colleges Act purposes that a College built under it shall be a College in which systematic religious instruction shall be communicated—(implying, as I conceive, that the head of the institution shall be either a clergyman, or one competent in every respect to teach theology or divinity)—this Bill provides that the Principal shall not be eligible to hold any such office. The purpose of the clause seems to me to be that the Principal, although at the head of an institution in which religion shall be taught, and wherein, even in the terms of this Bill, it is expected that there shall be divinity taught and students for the ministry trained up—the Principal may be a layman or a clergyman—he may be anything. And although he is to stand at the head of the institution and to have general control over it, yet he is not to be eligible to hold himself the office of professor of divinity.

488. Is the office of Principal not thrown open to laymen by the late University Act, in regard to the Colleges of Scotland? It is; but I hold that to refer to that fact entirely misleads the Committee and the public in the matter, because the Principal of the University of Edinburgh holds an entirely different position from that which the Principal of this College would hold. There is not the slightest similarity between the position of the University of Edinburgh and the College it is proposed to build here under the Affiliated Colleges Act. There is not the slightest similarity between the two. It ought to be marked particularly that the one is a *University* and the other is a *denominational college*.

489. The present Principal of the University of Edinburgh is Sir David Brewster—a layman, and there is a professor of divinity besides;—why should such an arrangement not be practicable here? Because the University of Edinburgh is a different institution altogether from what this College is intended to be. All persons whatever, of every sect, may attend the University of Edinburgh; but the Colleges to be erected under the Affiliated Colleges Act are distinctly intended to be sectarian, or denominational institutions for the exclusive advantage of the respective denominations. The University of Edinburgh embraces all the arts and sciences. There is everything taught there. In this College there is simply to be assistance in the preparation of students for the University lectures, and there is to be, specifically, teaching of divinity. In the University of Edinburgh there is a large body of professors. In this College it is very probable that, for a considerable time there will be no necessity for any more than one; and, therefore, I hold that whatever likeness there is between the two institutions, from the fact that there is a professor of divinity in the University of Edinburgh, there is in reality not the slightest similarity between them.

490. May they not have been similar in the outset in the Edinburgh University? We know that they were *not* similar, because, until the election of Sir David Brewster, the Principal, as far as I can ascertain, was always a clergyman, and always held—or, at least, for a very long period—held the office of professor of divinity.

491. But is it not a fact that the professorship of divinity in Edinburgh is always distinct from the Principal—that the offices are held by two different persons? I am not sure that it has always been so; I cannot state of my own knowledge as to that.

492. Are you not aware that there is a provision made already, and, which may come into operation almost immediately, for the existence of two professorships in the Presbyterian College—by a private individual? I know that—if it is to the donation of Mr. Bailey you refer. It is a possible thing (for the provision is only contingent, and may not be available for twenty years to come), that such may be the case, but that is a mere “expectation.” There may be a second professor. And even if there were a second professor; even if there were two or three professors, I do not think the thing would be materially altered, that the Principal should not be eligible to be a professor of divinity, from the circumstance that the College is specially designed to teach religion, and that for a very long period there will be really no work for more than one, with perhaps an assistant tutor.

493. Does not that depend upon the probable success of the institution? Well, we can reason of the success of the institution from the past history and present condition of the Colony. There has been an attempt for a long time to have an “Australian College,” but it was never found that there was any necessity for more than one head, or Principal; and even of that institution it was held to be essential that the Principal should be a clergyman, and that clergyman Dr. Lang himself, although there were more than one teacher; yet there can be no real comparison drawn between that institution and this.

494. Why? The one was more a school, and was intended to be a school. It had all the characteristics of a school; but this is intended to be a very different institution. Rev. John McGibbon.
495. Did not Sir W. Burton declare, in the year 1838 or 1839, that there were upwards of 30 pupils in that institution that were in training and fit for a University education? 26 Sept., 1862.
- They were in training, receiving all the different branches of school education. This institution does not contemplate that—at least, *ought not*, according to the terms of the Affiliated Colleges' Act. It contemplates the assistance of the students in preparing for University lectures, and it purposes specifically the teaching of theology.
496. Does not the fact that there were so many students of a higher class at that early period in the Colony, warrant the prospect that with increased population and increased means there would, in a well-organized institution, be a very considerable number of students? That College to which you refer—the Australian College—stood in somewhat the same position as that now occupied by the Sydney Grammar School. It received students of all sorts, and taught all the education taught in the higher branches of schools; and therefore it having such a number of scholars warrants nothing of the kind—no more than the fact that the Grammar School may have a hundred students of all sorts would warrant the erection of a Presbyterian College.
497. What is your objection to the 6th clause? My objection to the 6th clause is that constituted as the Board of Management will be—it is extremely objectionable that the Principal and the professors of divinity shall be liable to removal or suspension by a Board so constituted. The constitution of the Board of Management, so far as I can gather from this Bill, is this: That whoever the subscribers choose to elect shall constitute the Board of Management. There is no guarantee in this Bill that the parties elected shall be Presbyterians—that they shall be anything, or that they shall hold any position which will be a guarantee of character, or anything else. They are to be just such parties as the subscribers may choose to elect. They are not even specified as subscribers themselves, nor are they shown to be in connection with any recognized body of Presbyterians, or under any jurisdiction.
498. Do you object to the 7th clause? I may state, in addition to my previous observations respecting the 6th clause, I cannot conceive it possible that any clergyman who would be qualified in any respect for the office of professor of divinity, or any gentleman who would be qualified in any respect to be Principal, having regard to his character, reputation, and standing respectively, would submit to be under a Board of Management so constituted.
499. Is not the Board of Management of St. Paul's College constituted in an exactly similar way—elected by the subscribers? *In the "St. Andrew's College Bill" there is a specific provision that the parties elected shall be of a certain character.
500. *By Mr. Piddington*: Will you look to the 3rd clause of that Bill (St. Paul's College Bill)? It provides that the Council shall consist of the warden and fellows. In all which there is such a guarantee of character and ability in the managing body, that a Principal or professor of divinity would have no difficulty in placing himself under it, especially as there is in the 4th clause of St. Paul's Bill a "visitor" appointed, to whom in all cases of dispute, there is an appeal.
501. Here is a corresponding clause in the other (St. John's)? Yes.
502. Do you see in this Bill anything similar? No, not at all. Nothing in the Bill now before the Committee similar to what is provided in St. Paul's and St. John's, as to the character, view, standing, and ability of the Board of Management. I may point out, too, a provision in the St. Andrew's College Incorporation Bill. It is provided that the said body, politic or corporate, shall consist of a Principal and eighteen fellows, holding and signing the Westminster Standards in their integrity, of which number six shall always be ordained Presbyterian Ministers, and twelve shall be laymen, and the said eighteen fellows shall appoint the Principal who shall not be one of themselves, and the Principal and fellows for the time being shall together form a Council, and so on.
503. *By the Chairman*: Is it not a fact that even under these constitutions a majority of the Board of Management consists of laymen? I cannot see the place at present.
504. *By Mr. Piddington*: Laymen of each particular Church? Yes. In the corresponding clause of the "St. Andrew's Bill"—that is, the Bill the Synod of Australia endeavoured to get enacted some time ago—the laymen are likewise required to hold and sign the Westminster Standards. What other provisions the St. Paul's and the St. John's College Bill may have, guaranteeing the character and views of the laymen, I do not know; but that was the provision we adopted to secure the character of the laymen. I do not at all object to the circumstance that the majority are laymen, because that is a provision even in our own Bill.
505. Do you object to the 7th clause? I object to the provision here in the 7th clause—that the students also may, or may not, according to this Bill, be Presbyterians—shall have anything to do with the calling of meetings and the taking up of any subject.
506. Do you object to the 8th clause? I have a very distinct objection to the 8th clause. I object to the rate prescribed here. I do not at all object to the principle of limiting votes and giving so many for one pound and so many for ten, and so on, or the limiting even of the number of votes ultimately given to any subscriber, but I object entirely to the scale, as here laid down. Considering that the subscriptions are required to be paid within four years, the fourth part of the subscription of each is therefore all that is paid at once—£1 would, therefore, be simply 5s.; and from my experience in connection with the attempt to establish St. Andrew's College, I know exactly who are the parties most likely to subscribe to any such institution as this, and I say that those who are capable of giving 5s. a year and

* NOTE (on revision):—The first to which my answer refers is not that the Board of Management shall be "elected by the subscribers," but that the persons so elected may, according to the provisions of this Bill, be entirely destitute of the requisite standing and character.

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no more, are, for the most part, persons that have not the slightest interest in the establishment of such an institution. Looking even at the Universities at Home, I may say this—I knew hundreds of students at Home, both in Glasgow and Edinburgh, and I am not aware of one son of a working man sent to either of these Universities, who had not a distinct professional object in view, and that was for the most part the Church; working men who had no such son to send to such an institution had really no interest in it. Their interest entirely depended upon their having such a son to send, or having one there. I know, from my experience in collecting subscriptions for St. Andrew's College, that the class of persons who will subscribe to such an institution as this, are not at all those who are able to give 5s. and no more per year. Besides, when you arrange according to this scale the probable number of subscribers to get up the whole amount, I find that if we allow 50 subscribers at £10, and 20 at £50, and 20 at £100, and 10 at £200, and 5 at £250, and 5 at £500, which, I think, is as many as are likely to be found at these various sums, the whole amount thus subscribed would yield £9,250, and would give according to the scale 295 votes. Now it would just exactly take 750 persons at £1 to make the £10,000, which is the lowest sum specified in the Affiliated Colleges Act. In other words the subscribers at £1 would entirely swamp (even reducing them far below this number) all the votes of those subscribing larger sums. I have given in this scale what I think, from my knowledge in connection with St. Andrew's College, is the number likely to give large subscriptions. The larger subscribers would therefore be merely cyphers in the matter. The purpose of reducing the subscription to this low figure was to hinder the institution from falling under the tyranny of the rich. I certainly dread the tyranny of those that are not rich, that is those who are supposed not to be able to pay more than £1, that is 5s. per year, as persons, taking them upon the whole, not likely to be interested for any proper or useful purpose in such an institution. The scale we adopted in the St. Andrew's College Bill is, I think, a very fair one. The first sum entitling to a vote was £10—that might be altered to £5. I think the rate established in the St. Andrew's College Bill is a much fairer rate than that here proposed. That rate* would throw the institution into the hands of persons most likely to further its interests. The provision here, that subscribers residing within more than 12 miles from Sydney, may vote by proxy, is exceedingly objectionable. A corresponding clause in the St. Andrew's College Bill extends it to 50 miles.

507. *By Mr. Morris:* What clause? The 13th clause. I see nothing definite either in the expression at the end of the clause—"together with such additional subscribers as shall then have contributed to the funds of the College." This is at the time of the vacancy being filled up, I presume—"That shall then have contributed to the funds of the College." It is exceedingly indefinite, because a subscription might be given in various ways. You see when six of those trustees have died—(it might be 12 years or 20 years before they were reduced to 12)—the election comes to supply the vacancies, and at that time the surviving subscribers, and all who have happened to contribute anything within these 12 or 20 years, would be entitled to vote, no matter if the subscriptions were paid the day before the election took place.† The whole clause is exceedingly objectionable.

508. Do you object to the 9th clause? No, I do not see any objection there.

509. Do you object to the 10th? I do not see any objection to that.

510. Or to the 11th? Yes, I have a decided objection to the 11th clause. The deed of grant specifies that the land given, is given to the Church of Scotland. This Bill contemplates altering the deed of grant, without the slightest recognition of the body to whom the grant was made, and without giving them any voice in the matter. This is referred to in the evidence of Mr. Merewether, to which evidence I beg to call the attention of the Committee, particularly as throwing great light both upon the Affiliated Colleges Act and the deed of grant.

511. *By Mr. Piddington:* When was that evidence given? It was taken in 1858.

512. On what subject? On the St. Andrew's College Bill. It was evidence taken on a petition that was presented by the Rev. Dr. Lang.

513. In reference to the St. Andrew's College Bill? Yes. The evidence of Mr. Merewether is particularly full. The whole of this evidence is so much to the point that I call the attention of the Committee particularly to it, as showing what was the purpose of the Government in the Affiliated Colleges Act, and in all the emendations made at the suggestion of Dr. Lang, with the explanation that the deed of grant was dated a short time after the passing of the Affiliated Colleges Act. The ground is given distinctly to the Church of Scotland, which is understood to be the Synod of Australia.

514. *By the Chairman:* Are you not aware that the original preamble of the Affiliated Colleges Act proposed that the Colleges should be confined to those bodies receiving support from the State? I am.

515. And are you not aware that at my instance that proviso was thrown out? I am, and I am aware also of the explanation Mr. Merewether makes of that circumstance;‡ whereas it was intended that the colleges in the first instance should be four in number, and in connection with the four bodies receiving State aid; this was altered at your suggestion, I believe, and with the assistance of Mr. Martin, so that the expression "the bodies now receiving State aid" was thrown out, and the Colleges Act appeared in the form in which we have it now, which, as Mr. Merewether states, "applies only to the granting of aid." The question is asked Mr. Merewether, "Then, in fact, the Affiliated Colleges

* NOTE (on revision):—I mean the one pointed out in St. Andrew's College Bill.

† Inserted:—Is there not ample scope here for corruption and tyranny, and for the advancing of party interests?

‡ ADDED (on revision):—Which explanation is not only reasonable in itself, but of prime importance, as Mr. Merewether was the member of the Government who had the conduct of the Bill in its passage through the House.

"Colleges Act, as passed, was intended to apply to all denominations who were in a position to claim at any future time, the assistance from Government, for the purpose of establishing an Affiliated College? That was the object; and it appears to me to be clearly expressed in the wording of the Act." And then in the 8th question, "Will you be kind enough to inform the Committee, so far as you can judge, what was the intention of the Legislature in regard to the Act—whether it was intended to embrace the whole of the sects in the Colony, or to be restricted to certain sects? The Act was modified in order that it might be open to any other sect sufficiently important to be able to raise the necessary funds, and to obtain the sanction of the Legislature, to found a College in connection with the University. 9. Was it not principally to enable the Presbyterian Church in its divided state to unite as one denomination, and to claim this support from the Government, that the alterations in the Bill were made? No, the Government did not propose the alterations referred to with that object; they were proposed upon a more comprehensive principle, and without reference to any particular denomination."

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516. May not that have been the individual, although the not well founded opinion of Mr. Merewether only? I draw my conclusions from the Act itself. The Act seems to me distinctly to provide that any bodies of sufficient importance to raise the sum of money required, may apply and may obtain land and funds for the erection of a College.

517. Do you think the Legislature contemplated the possibility or the propriety of giving more than one endowment for a College to the Presbyterians? The purpose of the Government (not being in the secret of the Government's purposes) we can only draw from the Act itself, and I see that the Act distinctly makes it so general that any body of sufficient importance to raise that sum of money may obtain an endowment.* I find that those questions were put to Mr. Merewether by Mr. Richardson, and he acknowledges it.

518. You hold, then, that the Affiliated Colleges Act, so far as the Presbyterians are concerned, was passed for one class of people, while the grant was given for another? No, I do not think anything of the kind. I hold, on the contrary, that the Affiliated Colleges Act was passed for all classes of people sufficiently important to raise the sum of money which entitles to its benefits. The grant no doubt is intended for a certain class of people—for certain four named parties; but the Affiliated Colleges Act makes it possible for more than four to get similar advantages. I say it makes it possible, because it appears that these portions of land were actually promised before the Affiliated Colleges Act was passed. Their being ultimately granted was simply in pursuance of a promise made.

519. Is it not in the power of the Legislature to make the grant accordant with the purposes of the Act? While I think it would be very unfair for the Legislature to attempt an alteration of the grant, without the knowledge or consent of the parties to whom it has been made, I do not think that the grant and the Act are at all contradictory. They are not contradictory. Four grants are made to particular parties. The Affiliated Colleges Act simply makes it possible for more than four to derive the same advantages. They are not at all discordant the one with the other. The one distinctly refers to land given to four bodies (*Vide Appendix*); the other makes it possible for more than these four bodies to derive the same advantages, so much so that under the Affiliated Colleges Act, if the Independents were to relax their principles sufficiently, and collect the necessary money, they might obtain the same advantages.

520. *By Mr. Piddington*: Or the Unitarians? Or the Unitarians. The Affiliated Colleges Act is a simply rendering of the thing possible for more than four to have Colleges. Originally it was intended to restrict them to four. The Baptists might apply, and under what Act could they get a College but under the Affiliated Colleges Act? But there is no land granted to them. It might, however, be granted. The one thing does not interfere with the other. In reference to this 11th clause, I stated that the attempt made in this Bill was to alter the deed of grant without recognizing the body to whom the grant was made, in any way. With reference to my petition, I should like to say, on that subject, that this Bill has been introduced into the House without in any way recognizing the Synod of Australia, which is chiefly interested in the erection of a Presbyterian College.

521. *By Mr. Morris*: I believe you took great interest in endeavouring to establish St. Andrew's College? I did.

522. Did you in any way recognize that portion of the Presbyterian Church called the Church of Scotland from any other portion of the Presbyterian Church—In what way did you recognize its distinctive position? I do not quite see the meaning of your question.

523. Does the proposed Bill to incorporate St. Andrew's College recognize the Church of Scotland at all in any way? We are recognized as the Church of Scotland in the Colony.

524. But does the Bill for the incorporation of St. Andrew's College distinctly recognize the Church of Scotland? We, as the Church of Scotland, proceeded to draw the Bill; it is our Bill.

525. *By Mr. Piddington*: But is there any provision in the Bill making it imperative that the Board of Management or the students should be members of the Church of Scotland? I think so; I think there is a very clear provision.

526. *By Mr. Morris*: Would you be kind enough to point out where the provision is to be found? In clause three it is provided distinctly that the Council shall consist of ordained Presbyterian ministers, and also that the laymen shall hold and sign in their integrity the Westminster Standards, which are held and signed only by the Church of Scotland.

527. Are the ministers of the Free Church not Presbyterian ministers quite as much as ministers of the Church of Scotland? Well, they are both called Presbyterian ministers.

528.

* *Note (on revision)*:—To imagine that the Government was engaging itself with the divisions in the Presbyterian body; and arranging that those divisions might be healed, by furnishing land and money for the erection of a College, is absolutely ridiculous, since those divisions mainly subsist in consequence of the Government giving those very grants.

- Rev. John McGibbon. 528. And do they not equally sign the Westminster Standards in their integrity? Yes.
529. How are you able to distinguish them between the Church of Scotland and the Free Church, in your Bill? The St. Andrew's Bill was drawn by both parties—our body and the Free Church body.
- 26 Sept., 1862. 530. But where is that recognized—Does the Bill in any way distinctively define the Church of Scotland from the Free Church or the Synod of New South Wales? In the 15th clause of the St. Andrew's College Bill it defines the Church of Scotland "to signify and include all those Presbyterian Churches which hold and sign the Westminster Standards in their integrity." And as the Synod of Australia and the Free Church were the parties who originated this Bill, so they both hold and sign the Westminster Standards in their integrity. The Synod of New South Wales and the United Presbyterian Synod do not: they hold the Standards with certain exceptions and explanations, and not in their integrity.
531. Did the evidence that was given in support of the St. Andrew's College Bill tend to show that it was desirable to relax the meaning of what is understood to be holding the Westminster Standards in their integrity—the evidence both of the clergymen of the Established Church of Scotland and also of the Free Church? I was not examined, although I attended to be examined, when the St. Andrew's College Bill was before the Committee; but on reading the evidence I find its tendency was, that while it would be very desirable that all Presbyterians should be included in such an institution as this, the fact of the matter was that it seemed simply impossible. If you relax or attempt to relax the principles upon which you constitute this College, to include all, you would in fact render it nothing. In the first place the United Presbyterians distinctly object to all land and all money grants for any purpose of a religious nature. It was stated in evidence here by Dr. Smith, of the University of Sydney (what I know to be a fact), that it would be inconsistent in the United Presbyterians as a body, even were this College build upon a secular foundation, to avail themselves of it. If it were founded upon the Bill before the Committee, and the professor of divinity was afterwards added, it would be inconsistent in the United Presbyterians to avail themselves of the services of that professor in a building erected on land given by the Government. I know that while the United Presbyterian body, as a body, has not pronounced upon the subject so as to make it a test of connection with them, it is practically so, that all monies from the State for religious purposes are objected to on principle. On that account it would be inconsistent in them to avail themselves of the advantages of this College, and on that very ground the Rev. Mr. Darling, who was then the minister of that body in Sydney, objected to have anything to do with Saint Andrew's College.
532. But are not those views of yours very inconsistent with those put forward by Mr. Thomson, who was the only clergyman in Sydney of that section of the Presbyterian Church? Mr. Darling was the only minister then, and that was his view. That I know to be the view of the leading members of that body at Home, and I know that it is the practice of the whole body. Mr. Thomson I know has stated that. (I have got his evidence here.) He has stated what I conceive to be tantamount to this—that he would have no objection to this institution. No doubt; but the College contemplated in this Bill is a secular institution, and one which I say the Affiliated Colleges Act never contemplated.
533. But do you not think, Mr. McGibbon, that it would be very desirable to establish a Presbyterian College upon the very widest basis not inconsistent with the distinctive doctrines of the Church of Scotland, for instance, and the other Churches? It would be very desirable that all Presbyterians should be included; that is at once assented to: the next thing is, is it possible? In drawing out St. Andrew's College Bill we endeavoured to make it as liberal as possible, and, notwithstanding there was this expression—"to hold the Westminster Standards in their integrity,"—we were content to receive those who simply would require an explanation that that did not require them to assent to any thing supposed to teach intolerant principles; yet as a guard, as a principle in the establishment of the College, it was necessary that what was really and truly the principles of the two bodies originating it should be distinct, and these are—to hold the Westminster Standards in their integrity.
534. Surely there is no difference between the requirements in that respect of the Presbyterian College Bill and the St. Andrew's College Bill, according to the explanation you give of what was the intention? There is a very clear difference. You see here (*Bill before Committee*) the Church of Scotland is defined to mean "all Presbyterians professing to hold the Westminster Confession of Faith, and the other standards of the Presbyterian Church, although objecting to those parts of the twenty-third section of the said Confession, which relate to the powers of the civil magistrate, and seem to inculcate intolerant principles in religion." I think there is a clear difference between the language there and that employed in the St. Andrew's Bill. A similar question was asked Dr. McKay, who was examined before the Committee that sat on the St. Andrew's College Bill, and he stated that he was content; that he would simply admit an explanation, but would not consent to an objection to the clause.
535. *By Mr. Piddington*: Is not this—judging from its title and preamble—a Bill to incorporate a Presbyterian College in connection with the University of Sydney? The title says it is a Bill to incorporate a Presbyterian College, but it does not say in connection with anything.
536. Read the preamble: "Whereas considerable funds have been subscribed for the establishment and endowment of a College, to be called 'the Presbyterian College within the University of Sydney'?" I did not observe that last expression.
537. Do you see any clause in the Bill, apart from its title, and the word "Presbyterian" College in the preamble that carries out the object of the Bill, as so described? There is no clause

- clause whatever that indisputably guarantees that the College shall be a Presbyterian College; in fact, it distinctly provides that the College shall be for others *not* Presbyterian.
538. Is there any clause in the Bill providing that the students shall all be Presbyterians? There is a clause here providing that the students may not all be Presbyterians.
539. The preamble provides that the students may or may not be Presbyterians? That they may or may not be Presbyterians.
540. Is there any clause in the Bill providing that the Principal or the trustees shall be Presbyterians? No.
541. Is there any clause in the Bill which provides that the divinity professor, or any other of the professors or tutors shall be Presbyterians? There is no clause securing that they shall be Presbyterians.
542. Is there any clause in the Bill which provides that the members of the Board of Management, or any of them, shall be Presbyterians? None.
543. Then there is nothing in this Bill that secures the establishment of a Presbyterian College, except what may appear in the title and preamble? That is all I can see, and that by no means *secures* the matter—it only takes it for granted.
544. Is not this Bill a Bill professing to establish a Denominational College, under the authority of the 18 Victoria, No. 37, commonly called the Affiliated Colleges Act? It appears to be so.
545. Is not a sum of money for the salary of the Principal under this Bill, secured under one of the provisions of the Affiliated Colleges Act? Yes.
546. And a contingent sum of money, dependent upon the sum subscribed by the subscribers, to be obtained from the Government in aid of the building of this College, is also expected to be derived under the authority of the Affiliated Colleges Act? Yes.
547. Was not the object of the Affiliated Colleges Act to secure the establishment of denominational Colleges, wherein systematic religious instruction should be afforded to the students of such Colleges? The Colleges to be erected under the Affiliated Colleges Act are intended to be distinctly sectarian Colleges. The Sydney University is founded upon a peculiar principle, excluding all religion. To supply that defect the Affiliated Colleges Act was passed, and these Colleges are to be built exclusively for sectarian purposes.
548. Does not the preamble of the Affiliated Colleges Act provide for the encouragement and establishment of Colleges within the University of Sydney, in which Colleges systematic religious instruction shall be provided for the students? Yes.
549. Do you see any clause in this Bill that tends to secure a conformity with the object of the Affiliated Colleges Act? None, and not only is the expression "systematic religious instruction" eliminated from the preamble of this Bill, but everything tending to show that that was intended seems to have been eliminated throughout the Bill. The purpose of the drawer of this Bill was evidently to make the College a secular institution, holding out however a due expectation that at some time or other (which is here said to be "in due course") it might be made a religious institution.
550. Do you know how many denominations have taken advantage of the Affiliated Colleges Act? Only two have actually.
551. These are the denominations known as the Church of England and the Roman Catholic Church? Yes.
552. Will you have the goodness to look at the first Act under the Affiliated Colleges Act—for the incorporation of the Church of England College, called St. Paul's College? At the preamble?
553. Will you have the goodness to look at the preamble, and see whether it does not provide for the education of students belonging to the Church of England? It does.
554. And to the Church of England alone? Yes.
555. Is not the visitor of the College *ex officio* head, or Bishop of the Church of England in the Colony? Yes.
556. Will you have the goodness to look at the preamble of the St. John's College Act—relating to the Roman Catholic Institution—and see whether the preamble does not recite that the College is established for the education of the Roman Catholic youth of the Colony in the principles of their faith? Yes.
557. Will you be so good as to look at the 3rd clause, and say whether it does not provide that the Board of Management shall consist of either priests or laymen of the Roman Catholic Church in the Colony? It is provided here that six shall be "approved priests," and twelve laymen in connection with the Roman Catholic Church.
558. Is there any clause in that Act which provides that the visitor shall be the head—the Archbishop or Bishop of the Roman Catholic Church in the Colony? Yes.
559. Do not these clauses provide for the establishment of strictly denominational institutions under the Affiliated Colleges Act? Unquestionably.
560. Is there any clause in the Bill before the Committee which provides for the establishment of any denominational College similar to the Roman Catholic or the Church of England Colleges under the Affiliated Colleges Act? None whatever; and not only so, but the divinity professors, who are "expected" at some time, are not required to be in connection with any Church or any Synod, or required to be under the jurisdiction of any body. It is, however, an essential thing with Presbyterians, in order to guard against unsoundness, and other things, that professors in all Colleges shall be connected with some Synod, and under the jurisdiction of some Synod. And then, in reference to this Bill, supposing that a College were established—supposing that the expected professors appeared, and that there were a thorough staff of divinity teachers—there is no provision here by which the soundness of that teaching shall be investigated. The soundness of the teaching, as everything else, is to be left to the control of an irresponsible Board of Management, elected by the subscribers—

Rev. John
McGibbon.

26 Sept., 1862.

Rev. John McGibbon. subscribers—who may be anybody. I may also add a few words in reference to the security given in the St. Andrew's College Bill as to the soundness of the teaching. You observe, in the 4th clause, that visitors are appointed to visit that College, and to investigate the theological and religious teaching, and that those visitors are to be persons chosen by and responsible to the Synods; but no such provision appears in this Bill.

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561. If the Parliament sanction the Bill now before the Committee, is there any security that this College may not be a College teaching secular knowledge only? There is no security but that it may be exclusively, and for many years, a secular institution.

562. There is no security within this Bill that will provide against the College teaching secular knowledge only? None.

563. Does not it therefore come into competition with the University of Sydney as a secular institution? It may come into direct competition with it; it certainly has this superadded—it has residence.

564. I am not speaking of residence, but of teaching? Certainly.

565. The University of Sydney is a University of peculiar constitution, is it not—comprising Collegiate instruction as well as University examination? Yes.

566. And this Bill merely provides for the establishment of a College that may be very similar in principle to the University of Sydney? Distinctly.

567. Do you think it necessary to establish two rival institutions for the purpose of secular instruction? I think it is very unnecessary.

568. Is not the University of Edinburgh an institution resembling in its nature the University of Sydney rather than a denominational College? It is. It is somewhat similar to the University of Sydney, but the difference is this, that there is in the University of Edinburgh a divinity chair: it teaches all the arts and sciences, and provides a chair for divinity. It is just as if this University here had a divinity chair in it; but the divinity chair is to be found in the Colleges instead of in the University here.

569. But is not the object of the Affiliated Colleges Act to provide for systematic religious instruction, which instruction is not a provision in the constitution of the University of Sydney? Distinctly.

570. And does this College provide for such instruction? It does not.

571. *By Mr. Walker*: Does not the Free Church of Scotland consider itself to be the real Church of Scotland? Well, I believe it does.

572. Then, in point of fact, there is no very material difference between the Free Church of Scotland and the Established Church of Scotland, in point of doctrine? In respect to doctrine there is none whatever. There is simply a small difference on the subject of patronage and its application. I do not know that there is any difference in respect to the abstract principle of patronage, but there is a difference in the application of patronage.

573. You spoke of the impossibility of union;—can you see any difficulty in a union of the Free Church of Scotland and the Established Church of Scotland, in the matter of a College? None whatever.*

574. There is no difficulty in those two bodies uniting? No, there is no difficulty in their uniting for the establishment of a College of this kind.

575. The Free Church of Scotland, in principle, does not repudiate State support, does it? No, it does not; it holds the establishment principle very strongly.

576. The United Presbyterian Church does? It does, and I may add, not merely direct aid but also indirect aid.

577. And several other bodies of Presbyterians hold similar views to the United Presbyterian Church in that matter, do they not? Not in Scotland; I think the United Presbyterian body has absorbed them all; I think they are all concentrated there. In Ireland there is a small body, called the Secession body—the old original seceders, or old burghers, or something of that kind; I am not quite positive.

578. Is not there a body called Cameronians? There is, but they hold the establishment principle.

579. In this Colony how many Churches are there in connection with the United Presbyterian Church? There is only one congregation, and there is only one minister in connection with the United Presbyterian Church in this Colony.

580. And that body, as a body, is a very small minority? A very small minority.

581. *By the Chairman*: Was it one of the principles of the United Presbyterian Church, on its first formation, to reject the establishment principle;—is there anything in their standards explicitly declared on that subject? I think I mentioned that when I was speaking on the subject. When the Erskines first broke off from the Church of Scotland they did not repudiate State support. The body, as a body, have never pronounced on the subject so as to make it a test, but I know that by far the larger majority of the body do make it a principle,—and practically it is made a principle.

582. Is not the case precisely the same with the Free Church at the present day—are they not verging to the very same conclusion? As to what they are verging to I do not know. They hold the establishment principle very strongly.

583. *By Mr. Piddington*: They hold the establishment principle, but do they get anything from that principle? No, because they are protesting against what they call an evil patronage. They claim to be the party who should be in receipt of all the advantages to be derived from the establishment; they claim it as their right; they say besides that they are not the seceders, but that the "residuaries" are the seceders.

584.

* NOTE (on revision):—In speaking of the impossibility of a union, I referred to the fact that there are some sections of the Presbyterian body which could not unite with us, in consistency with their own principles, in any religious undertaking in which we should be assisted by the Government.

584. But the receiving of aid from the State is not an article of faith in any Church, is it? In the Church of Scotland it is a distinct principle. Rev. John McGibbon.
585. But is it an article of faith? It is a distinct principle, and it is embodied in their Confession of Faith. 26 Sept., 1862.
586. Is it in the Confession of Faith? Yes.
587. Would not the Church of Scotland be a Church if it did not receive State support? It would be a Church, but it would not be what is known as the Church of Scotland.
588. The receipt of aid from the State, either in the Episcopal Church of England or the Established Church of Scotland, is not an article of faith, is it? It does not constitute them a Church, but it constitutes their peculiarity as a Church. They would be a Church if this aid were withdrawn.
589. Is it a part of the Westminster Standards? It is.
590. Would not the Church of Scotland be a Church in every sense of the word as much without the aid from the State as it is with it? Decidedly.
591. *By Mr. Walker:* But they would be minus this? If they held that it was not the duty of the State to support the Church they would be then what are called now the United Presbyterians. If they still held that it was the duty of the State to support the Church they would be what is now known as the Church of Scotland, only not in receipt of the money.
592. But in neither the one case nor the other would they be less a Church than now? No.
593. *By Mr. Piddington:* As a matter of opinion they do not adopt the voluntary principle, but as a matter of fact they are obliged to adopt the voluntary system? Yes.

APPENDIX.

Clauses in the Deed of Grant referred to.

" VICTORIA, by the Grace of GOD, &c.

" WHEREAS by an Act of the Governor and Legislative Council of the Colony of New South Wales, passed in the 14th year of our reign, intituled ' An Act to incorporate and endow the University of Sydney ' &c. * * * And whereas provision has been made by the said Governor and Legislative Council for defraying the cost of erecting buildings for the purposes of the said University, and application has been made to us for a grant of land whereon to erect such buildings &c. * * * And whereas it is contemplated that Colleges shall be established within the said University, in which Colleges systematic religious instruction with domestic supervision with efficient assistance in preparing for the University lectures and examinations shall be provided for students in the said University &c. * * * And whereas it is expected that Colleges connected with the four several churches or religious denominations hereinafter particularly mentioned will shortly be established within the University, and application has been made to us for land to be granted to the University in trust for such four several Colleges &c. * * * And whereas we, being desirous of encouraging the said University and of assisting the establishment of Colleges within the same, to the end that religion virtue and sound learning may be by means of the said University and Colleges better advanced within our said territory &c. * * * Know ye that for the purposes aforesaid we, of our own special grace, do for us &c. * * * All that parcel of land &c. * * * And as to one other portion of the said land hereby granted to the said University upon the like trust for a College in connection with the Church of Scotland, when the same shall have been in like manner established and incorporated, &c. * * * And that each of such sub-grants shall be made to five trustees, of whom two and their successors (one of them being the Provost or Vice-Provost of the University) shall be nominated by the Senate of the said University, and other two and their successors shall be nominated by the Council or the governing bodies of the said College respectively, or by the heads of the religious denominations (if any) in connection with which such College may respectively have been established."

THURSDAY, 2 OCTOBER, 1862.

Present:—

Mr. DICKSON, | Mr. MORRIS.

THE REV. J. D. LANG, D.D., IN THE CHAIR.

Mr. George Brown called in and re-examined:—

594. *By the Chairman:* You are a builder, I believe? Yes. Mr. G. Brown.
595. And have been already examined before this Committee? Yes.
596. You stated in your former examination that, in addition to Mr. Bailey's bequest of an endowment for two professorships for the Presbyterian College, Mrs. Bailey had authorized you to state that she was willing to subscribe £500 additional? Yes, I handed in a letter to that effect. 2 Oct., 1862.
597. And what additional amount have you ascertained to be subscribed for the Presbyterian College? Upwards of £500 besides that—that is, in addition to Mrs. Bailey's subscription.
598. From what portion of the Presbyterian communion were these subscriptions chiefly drawn? Principally, or I may say almost exclusively, from the members of the Scotch Church of the Synod of New South Wales. In fact, they are all from the members of the Scotch Church, with one exception.
599. Are you of opinion, that in the event of this Bill being passed with such amendments as the Committee may approve, all the Presbyterians in the Colony generally will come forward with subscriptions to meet the Government grant of £10,000 provided by the Affiliated Colleges Act? I think they would.
600. *By Mr. McGibbon:* How do you know that the Presbyterian public will accept or have confidence in a Bill agreed to by this Committee with such amendments as they may approve? I have reason to believe so, from what I have heard outside.

- Mr. G. Brown. 601. You have been examined before this Committee on a previous occasion; and in the examination under which you passed, you gave the Committee to understand that there was
 2 Oct., 1862. no necessity for the amendments to which the Committee had agreed? No, I did not consider them necessary.
602. On what ground, then, do you say that the Bill would be accepted by the Presbyterian public, if these amendments were made in it? There is one amendment that I think is a judicious one, and I believe the public will agree with it.
603. How is it that you now think it judicious, when you before condemned it as unnecessary? There are amendments required according to the views that some parties might take; those in particular who are in favour of State Aid have different views in regard to a portion of the preamble to those which I hold.
604. The preamble does not mention State aid in any way? No, but it says—I forget the exact words. At all events, the preamble of the Bill brought forward by the adherents of State aid, was very different from the preamble of this Bill. The words “systematic religious instruction” do not appear in this Bill.
605. That is not State aid? No; but it is to some extent the teaching of religion by means of the State.
606. I should like to hear from you a distinct answer to the question, as to what are the grounds upon which you think that the Presbyterians generally will accept this Bill, with such amendments as the Committee may agree to? It is rather difficult to give a definite answer to that; but I would conceive that, in the view of many persons, amendments might be made in particular in that portion of the Bill to which I have referred; such an amendment as would take in that portion of the preamble of the former Bill that was omitted from the preamble of this Bill, or something to that effect.
607. But the preamble only forms a very small part of the Bill that is objected to; and I should like to know the grounds upon which you state the amendments would make the Bill acceptable—not with reference to the amendments of the preamble, but the Bill itself? I cannot answer this question in distinct terms. I have already expressed my opinion to the best of my knowledge and belief.
608. You are one of the promoters of the Bill now before the Committee? I am.
609. And also one of the petitioners in its favour? Yes.
610. Will you state to the Committee by whom and when this Bill was drawn? It was drawn about three years ago—two or three years ago; I cannot tell the time exactly.
611. And who were the parties concerned in drawing it up? Dr. Lang was one of the principal parties; there were others joined with him; one or two others were connected with him in drawing it up. I think, if I recollect right, that Mr. John Black was one of the parties.
612. *By Mr. Morris:* The late Minister for Lands? Yes.
613. *By Mr. M^r. Gibbon:* That would be about the time of the meeting of Presbyterians in the Scotch Church, after the meeting of Presbyterians that was held in Castlereagh-street? Yes, I think it was.
614. The committee that drew up the Bill consisted of Dr. Lang and Mr. John Black? Yes, they were on the committee, with others.
615. Was the Honorable John Robertson a member of the committee? I think he was, but I am not positive about that.
616. There were no parties connected with the different sections of the Presbyterian Church concerned in drawing up that Bill;—what I mean is, were there any persons from other sections of the Presbyterian Church besides the Scotch Church on the committee that drew up that Bill? Yes, I think there were.
617. Can you name them? I think, if I recollect right, that Mr. Stenhouse had something to do with it.
618. Were there any clergymen of other sections of the Presbyterian Church on that committee? I am not aware; I think not. I cannot recollect whether Mr. Darling was there, but I think not.
619. Do you happen to know whether Mr. Duguid was requested to act on that committee? Yes, I think he was; I believe he was.
620. And what was the result? He declined to act, I believe.
621. Were there other persons connected with other branches of the Presbyterian Church than the Synod of New South Wales on that committee? I think not.
622. Then the committee, with the exception of Dr. Lang, consisted exclusively of laymen? Yes.
623. Do you know who the persons are who have taken the most active part in this College movement—in the movement altogether? In connection with the Bill?
624. No, with the movement altogether? In the first instance the parties who moved in the matter were principally members of the Synod, in connection with the Established Church of Scotland.
625. What other parties have moved in the matter? At the same time there was a movement made by some of the Free Church ministers belonging to the Synod of Eastern Australia.
626. Have any others taken a part in this matter? Not in that particular Bill. I do not think there were any others.
627. I do not allude to any particular Bill, but to the whole College movement;—no others than those you have mentioned took part in the College movement? No, I think not.
628. The United Presbyterians took no part in this matter? No, not any active part.
629. Have you compared the Bill now before the Committee with the St. Andrew's College Bill formerly introduced? I have.

630. What is the precise difference between the two Bills? It appears to me that there is a certain exclusiveness in the St. Andrew's College Bill that there is not in the Bill before the Committee. Mr. G. Brown.
2 Oct., 1862.
631. When this Bill was drawn up, it was intended that it should form the constitution of a Presbyterian College? Yes.
632. Can you point out what security there is that any College established under this Bill shall be a Presbyterian College? The whole tenor of the Bill secures that. The preamble states distinctly that it is to be a Presbyterian College; and if the clauses are not drawn up in accordance with that preamble, they ought to be. It will be the duty of the Committee to look to that, and to see that this is done. I believe, however, that they are drawn up strictly in accordance with that view.
633. I wish to know what particular parts of this Bill give security that the College, when established in conformity with its provisions, shall be a Presbyterian College? I think the whole Bill secures it.
634. I should like you to point out to the Committee the part in which it does so? The 4th clause specifically directs that it is to be a College in connection with the Presbyterian Church, and for the training of candidates for the ministry in that Church.
635. Was it intended for the reception of other persons than Presbyterians? No doubt other persons would be received into it.
636. Then it was intended not only for Presbyterians, but also for those who were not so? Yes; those who chose to avail themselves of the teaching might do so, even though they were not Presbyterians.
637. Is there anything in the Bill to secure that the Board of Management shall be Presbyterians? No, I rather think not.
638. Is there anything in the Bill to secure that the professors of divinity shall be Presbyterians? Yes, I think there is.
639. What—the professors of divinity? No; there is nothing.
640. Is there anything in the Bill that secures that the Principal of the College shall be a Presbyterian? No, there is not.
641. It is a College, then, in which neither the Principal, nor the professors of divinity, nor the Board of Management, nor the students, need be Presbyterians? No, they need not be.
642. Would you call that a Presbyterian College? There is nothing in the Bill to secure its being strictly Presbyterian.
643. Do you think this is a fair Bill for all Presbyterians? I do.
644. Do you not imagine that, as by far the largest portion of the Presbyterians have already agreed to a Bill very different in all essential provisions from the Bill now before the Committee, they would have a most decided objection to a Bill differing so materially from their own? Some of them no doubt would, but I do not think that the bulk of the great body of Presbyterians would object.
645. But having already agreed to a Bill so very different in all material points from this, would they be likely to agree to this? I believe that the bulk of the subscribers here would do so.
646. How many sections of the Presbyterian Church are there in this Colony? Four.
647. Which is the largest of them, in point of numbers? The largest of them, or at all events the one having the largest number of ministers, is the Synod in connection with the Established Church of Scotland, and according to the returns it would seem that they had also the largest number of hearers.
648. Have the Synod of Australia had any hand in framing or promoting this Bill? Not that I know of.
649. Forming the largest body of the Presbyterian Church, would they not have a special interest in the erection of a Presbyterian College? Yes, I should imagine so.
650. And yet they have had no hand in drawing up this Bill? I think not.
651. Have they ever been consulted on the matter? Not as a body. Individuals may have been spoken to, but they have not been consulted as a body.
652. Can you name any of the individuals who have been spoken to? Yes, Mr. Dougall was consulted to some extent.
653. Is not this Bill in direct opposition to the provisions of the Bill which the Synod of Australia have agreed to? Not in direct opposition to it.
654. Is it in accordance with those provisions? It is not, but it is not in direct opposition to them.
655. This Bill differs from the other in some very material points? Yes.
656. And is opposed to it on those points? Yes.
657. Which is the next largest section of the Presbyterian Church after the Synod of Australia? The Synod of Eastern Australia—the Free Church.
658. Have they been consulted? Not as a body, I think.
659. How then do you think that the Synod of Eastern Australia would agree to this Bill and regard it as a fair one, when they have not been called upon to take any part in its construction? Perhaps, although the Ecclesiastical Courts of these sections of the Church have not been consulted, the laity may have been. I do not think that the Presbyterian laity always go by the ruling of the Ecclesiastical Courts in this Colony.
660. But the College being for the training of young men for the ministry in the Presbyterian Church, is it your opinion that the Ecclesiastical Courts should have nothing to do with it? Not a great deal.
661. Do you think that the laity should conduct such an institution totally irrespective of the Ecclesiastical Courts? I think the laity should conduct it, but not altogether irrespective of the clergymen. 662.

- Mr. G. Brown. 662. As Presbyterians we act by Courts and not by clergymen;—let me ask you again, therefore, if you think that the laity should manage such an institution intended to train young men to the ministry, irrespective of the Ecclesiastical Courts? Yes.
- 2 Oct., 1862. 663. And you think that would be Presbyterian? In a matter of that kind I think it would.
664. Is there any Presbyterian institution of this kind in Scotland that is managed in this manner? No; but the circumstances of that country are very different from those of this Colony.
665. Are there any Presbyterian institutions of this kind in America that are managed after this fashion? I believe there are, but I cannot speak distinctly with regard to that country.
666. Which section of the Presbyterian Church is the next in point of numbers after those you have named? The Synod of New South Wales.
667. Is not the present Bill one that proceeds from that section of Presbyterians? It is.
668. Then the two largest sections of the Presbyterian Church in this Colony have not been consulted on the matter, whilst the Bill has proceeded from the Synod of New South Wales, which is the least important section of the three? It proceeds from persons in connection with the Synod of New South Wales, but not from the Synod itself.
669. In accordance with the preamble of the Bill, you say that subscriptions have been raised for the erection of a College? Yes.
670. For a College in terms of this Act? Yes.
671. About how much has been raised? I think there has been between £1,000 and £1,200.
672. Has any of it been paid? No, I think not.
673. Is there any Treasurer? Yes, one was appointed.
674. But none of the money has yet been paid? No.
675. It has merely been promised? That is all.
676. And that money was subscribed in view of this Bill, for a College conducted in terms of this Bill? Yes.
677. Do you think, if the provisions of this Bill had been altered and extended, in such a way as to make the Preamble, for instance, similar to the Preamble of the St. Andrew's College Bill, that the subscriptions which have been promised would be paid? Yes, I think they would now. There is an objection still to that Bill, but it is not so strong now as it was formerly, as circumstances have somewhat altered of late.
678. What are the altered circumstances to which you allude? I allude to the abolition of State Aid that is to take place shortly.
679. But will not State Aid be given to the College? Yes.
680. But you think that will not affect the College? No.
681. Nor the amount that will be subscribed towards its erection? No.
682. Then if the preamble of this Bill were altered so as to be in accordance with the St. Andrew's College Bill, the subscriptions promised in view of this Bill would still be paid? Yes, I think they would.
683. Do you think that the subscriptions would be paid, if a clause were inserted in this Bill requiring that the members of the Board of Management, the professors of divinity, and the other officers of the College should hold and sign the Westminster Standard in its integrity? I question if they would, if it was to be signed in its integrity.
684. Then inasmuch as the Synod of Australia insist that any College to be built in which they shall have confidence, shall be presided over by officers who have signed the Westminster Standard, and inasmuch as the Bill now before the Committee does not secure that, do you think that it is to be expected that that body will give any sanction to this measure? I think that very soon they will, but perhaps not just now.
685. Most of the subscriptions were raised in the Scotch Church? Yes.
686. At a meeting held there? Yes.
687. Then it was a public thing so far? No, it was never taken up by the public; it was merely confined to the congregation.
688. It originated in the Synod of New South Wales, and the subscriptions were raised in the Scotch Church? Yes.
689. I think you said in your former examination that the object of this Bill would be to unite the various sections of the Presbyterian Church? I think it would, decidedly.
690. You think so when the Bill is so much opposed to the Bill agreed to by the largest sections of the Presbyterian Church? I do not think it is directly opposed to that Bill.
691. But you have said already that it differs in most important particulars? Yes, it differs on some material points.
692. Do you think that as the professors of divinity must belong to some particular section of the Presbyterian Church, and must be under the jurisdiction of the Ecclesiastical Court of some section, that other sections to which they did not belong would have confidence in their teaching? I think it might be so arranged as that we might have mutual confidence.
693. *By the Chairman:* Are you not aware that the St. Andrew's College Bill was drawn up by a hole-and-corner meeting of the Synod of Australia, from which other portions of the Presbyterian body were strictly excluded? Yes.
694. Does that circumstance entitle those connected with that affair to reflect upon the manner in which any other Bill for incorporating a College for the Presbyterian communion was prepared? I should think not.
695. Is there anything in the Bill now before this Committee that assumes that the College is to be connected with any particular portion of the Presbyterian communion? Nothing whatever.

696. Does it not afford a fair field and equal rights and privileges to all? Yes.
697. Is there not sufficient ground in this Bill for bringing in the whole machinery requisite for conducting such an institution on strict Presbyterian principles? I think there is.
698. Do you think that the safety of the community is to be secured by University or other tests, rather than by the force of public opinion acting on the parties connected with the particular institution? No, certainly not.
699. Is there not a tendency in the present age to abolish these tests in academical institutions? Yes.
700. *By the Rev. Mr. Dougall:* Without signing some such test, how would you be able to ascertain a man's Presbyterianism, that is, without signing some standard known amongst Presbyterians to be a Presbyterian standard—how are you to know whether a man is a Presbyterian or not? There should be a certain standard signed.
701. But there are already such standards known to Presbyterians as Presbyterian standard? Yes, but to certain portions of that some sections of Presbyterians take exception.
702. There are, however, known Presbyterian standards—and how are you to know a man's Presbyterianism without some such standard? No doubt such a standard would have to be signed, but whether in its integrity or not is a different question.
703. You say that these tests should be abolished, and yet how is it to be known without signing these things that are recognized as tests, whether a man is Presbyterian or not; for instance, the Church of England requires as a test that the candidate shall sign the thirty-nine Articles? I do not say that all tests should be abolished, but that there is an inclination at the present time to abolish them in institutions like this.
704. How is a man's Presbyterianism to be known without he signs such a test? It might be known from general repute almost where persons are so well known as they are here.
705. Do you think that the persons who designated the committee, which had been appointed in what the parties concerned considered to be a perfectly open and constitutional manner, as a hole-and-corner committee, should use such language when they are chargeable with getting up a similar meeting, and in a precisely similar way to that which is objected to? There was an invitation sent to other parties to attend that meeting.
706. And was there any exclusion from the other meeting? No, I believe not.

Mr. G. Brown.

2 Oct., 1862.

Nicol Drysdale Stenhouse, Esq., called in and re-examined:—

707. *By the Chairman:* Supposing that this Bill, with such amendments as the Committee might approve, were passed, do you think the Presbyterians of the Colony would come forward with subscriptions to enable the promoters to take advantage of the Government grant of £10,000? I think that if the suggestions I made, or something equivalent to them, were embodied in the Bill, the Presbyterians of the Colony, in general, would subscribe. I do not see that any except the very narrow-minded could object.
708. *By Mr. Morris:* Have you much experience of the feelings existing amongst the Presbyterians of the Colony? I have a large acquaintance with the Presbyterians.
709. Is it not a fact that there is scarcely a describable difference in the doctrines and discipline of the different sects into which Presbyterians are divided? I think there is not much difference as to discipline, and none as to cardinal doctrines, among the sects.
710. Is it not a fact that the Presbyterians, as a rule, attend those churches and sit under those ministers that are the most convenient to them, without reference to the particular sect of Presbyterianism to which the minister belongs? That is very generally the case.
711. There is great indifference amongst Presbyterians as to which church they go to, provided it be Presbyterian? I believe there is. I am not aware, as I have said, of any solid difference in regard to the main principles of Christianity between the chief divisions of Presbyterians.
712. Are you not aware that the Presbyterian laity are completely wearied with the disputes that are so constantly going on between the different Church bodies? There is a general feeling on the part of the laity of dissatisfaction and disapprobation, or perhaps I should rather say, of deep regret, that such disputes should exist.
713. Do you not think that the laity, who are, in fact, the Church, would be glad to have some common point on which all might meet? I should think so. I believe they would be only too glad to find some common centre to which all might turn.
714. Inasmuch as some portion of the Church would be glad to have some such point of union—would not they, by establishing it, be likely to bring in to their views some portion of the Church that now lags behind? It is very probable such a measure would have that tendency.
715. *By the Rev. Mr. M'Gibbon:* Do you think that the laity are the Church? Before answering your question I should require to have your definition of the word. Of course there is a greater number of laymen than of clergymen in the Church, the former possessing far greater influence than the latter. It is not here as it is at Home, where the influence of every minister is felt through a very large body of his people.
716. Do you not know that Presbyterians do not act as individuals, but as bodies; that it is a characteristic of Presbyterianism that its members act in bodies? I am not aware that it is so. I have seen very little here of Presbyterians acting in bodies, except on occasions where human nature has been shown in its very worst aspects, in discord and acrimony.
717. You think there is no great difference between the different sections of Presbyterians? Not in respect to the cardinal points of Christianity.
718. Do you think that in the cardinal doctrines of Christianity there is any great difference between Presbyterians and members of the Church of England? I should hope not.

N. D.
Stenhouse,
Esq.

2 Oct., 1862.

N. D.
Stenhouse,
Esq.

2 Oct., 1862.

not. The names given to the two denominations—"Presbyterians" and "Episcopalians"—imply the principal distinction between them. The latter think that there should be an inequality of rank among the priests, and that they should be presided over by Bishops; the former think that all priests should be on an equal footing.

719. Then the distinctions between the different sections of Presbyterians are of sufficient importance to keep them distinct bodies? I do not think so. I think those differences could be reconciled.

720. The Free Church will not tell you that? I do not agree with some of the strong opinions of the Free Church.

721. Such a College, however, as this is proposed to be, ought to have the sympathy and support of the ecclesiastical bodies known as Synods? I think, certainly, that it ought to have the strongest sympathy of the Synods; but without that, if it has the sympathy of the people, that will be the main point.

722. Do you not imagine that, as the Synod of Australia as a Synod has agreed to a distinct Bill exceedingly different from this Bill now before the Committee, there will be some difficulty in inducing them to accept the present Bill? I do not know. A considerable change has lately passed over some of the parties.

723. *By the Chairman*: In reference to your answer to the Honorable Member for Balranald, that in your opinion the laity constituted the Church—are you not aware that the definition of "the Church" given in the Articles of the Church of England is, that it consists in a congregation of faithful men? I do not recollect that it is so set forth, but I think the definition is a very proper one.

TUESDAY, 7 OCTOBER, 1862.

Present:—

MR. DICKSON, | MR. MORRIS.

THE REV. J. D. LANG, D.D., IN THE CHAIR.

The Rev. John McGibbon appeared as Petitioner against the Bill.

The Rev. William McIntyre called in and examined:—

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724. *By the Chairman*: Have you read over the Bill to incorporate the Presbyterian College? I have read it carefully and repeatedly.

725. Looking at the preamble of that Bill, do you not think it is there sufficiently declared that the College shall be part and parcel of the University of Sydney—that it shall be comprehended within it? It seems to be declared much in the same way as in other Bills that have been passed for a similar purpose. As a matter of mere wording (but I suppose it does not lie within my province to remark on that), this only proposes that it shall be enacted that provision shall be made for doing certain things. I think the Affiliated Colleges Act requires that those things should be actually done. I see that the Acts passed to incorporate St. Paul's College and St. John's do provide that the things which are mentioned here as things for which provision shall be made shall actually be done; and to the declaration here of the object for which the College is proposed to be instituted I think there may be this objection: that there is no statement as to the quality of the religious instruction which shall be given. In the case of the two other Bills to which I have referred there is such a statement; in the one case it is provided that the theological instruction imparted shall be in accordance with the views of the Church of England, and in the other case, that the instruction shall be in accordance with the doctrines of the Roman Catholic Church; but I do not find that there is here any declaration as to the character of the religious instruction to be imparted.

726. Do you think it is not sufficiently declared in the preamble that the Presbyterian College, whatever be its character, shall be part and parcel of the University of Sydney, and be comprehended within it? I think, so far as that point is concerned, that it is declared very much as in other Bills, and quite to the same effect—so far as I can judge.

727. It has been suggested that, in order to make the Bill in accordance with the Affiliated Colleges Act, the words "wherein systematic religious instruction in accordance with the Confession of Faith and the Larger and Shorter Catechisms of the Presbyterian Church should be afforded" should be embodied in the preamble of the Bill;—do you think it requisite to have such an embodiment? I should think it is necessary either in the preamble or some other part of the Bill. So far as I can see, there is no provision at all in this Bill that the religious instruction imparted by the Principal (who is the officer appointed by the Affiliated Colleges Act to give religious instruction) shall be in accordance with the Confession of Faith and the other standards; nor is there any provision, as far as I can see, that he must himself adhere to those standards.

728. You think it would be necessary, therefore, to supply that omission, as you consider it? I think, if the College is to be Presbyterian any further than in name, there must be provision in the Act that the religious instruction imparted by the Principal shall be in accordance with the standard to which Presbyterians adhere.

729. Do you see anything objectionable in the addition of the words "and other students" in the 4th line of the preamble—contemplating the possibility or probability of other than Presbyterian students enrolling themselves in the College? I certainly do not. I think it would

would be inconsistent with the principles on which Presbyterians have always conducted education, were they to refuse the benefits of it to any who wished to avail themselves of this College.

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730. Do you see anything to object to in the first clause of the Bill? I do not remember that I took notice of anything in the first clause to which I would take any objection.

731. Or in the second? No, I think not. These clauses seem to be almost identical—I think they are wholly identical, in fact, with the corresponding clauses in the other Acts.

732. Do you approve of the substitution of the word "trustees" as a designation for the persons having the management of the Presbyterian College—do you approve of it as a substitute for the word "fellows," which is used in the other Acts? I do not like either word. The former word is not employed by Presbyterians for the purpose for which "fellows" is employed in the other Acts, and I think the word "trustee" describes an office of which the duties may be expected to be different from those of a committee of management. I should prefer some other word more consonant with the nature of the duty; but I would not found any objection on the mere use of a word, when the intention in employing it was sufficiently indicated.

733. Is the word "fellow" known in the Scotch universities or colleges? Not that I am aware.

734. Does it not signify a person of an academical standing, in the usual acceptation of the word as applied to colleges or universities? It does. I think the nearest approximation in the Scotch colleges to the same academical standing is found in the case of Masters of Arts, who are received into the fellowship and society of the institution that confers their degree upon them.

735. You are aware that there is no such office as that of "fellows" in connection with any of the Scotch universities or colleges? I am not aware that there is, and my belief is that there is not.

736. Are you acquainted with the constitution of any of the American colleges connected with the Presbyterian communion? No, I am not minutely acquainted with them.

737. And you cannot state what is the designation of the office-bearers corresponding with those appointed under the Acts already passed in this Colony? No. I believe that in some cases they are designated "trustees," but I would not like to give evidence on a point in reference to which my information is so general and somewhat vague.

738. Is there any other unexceptionable word which you would recommend as a substitute for both? Well, the governing body in the colleges of Scotland is called a "faculty," but I see that that name is appropriated here to a smaller and different body from that which is called the committee of management.

739. Does not the word "faculty" in the Scotch colleges imply a body consisting of persons conducting the different branches of education in the institution? Yes; and I believe that they have also the management of that department of the college. For example, the Faculty of Arts has the management of that department of education, and the other faculties have the management of their particular branches in like manner. There is the *Senatus Academicus* in many colleges (there is in the Glasgow College, and I think in some others), which has the general management.

740. In any of the Scotch Colleges has the *Senatus Academicus* the patronage of the institution so as to have the appointment of the professors? If I remember correctly, the patronage is vested in different parties as regards the Glasgow College. In some cases the *Senatus* has it; in other cases, the Town Council; and in others, the Crown, if I remember correctly. The patronage is not attached to the functions of the *Senatus*.

741. Is it not generally the case, that the patronage is held by parties unconnected with the *Senatus Academicus* or the faculties? I cannot at this moment recollect the proportion in which the patronage may be distributed, but my impression is that the great bulk of the patronage is in other hands.

742. You have no other word, then, that you can think of as a substitute for either "trustees" or "fellows," as a designation of the managing body? "Directors" is a word that is used in the case of other bodies. I do not know whether it has been appropriated to the management of colleges, but it is a word that sufficiently indicates what the office is instituted for.

743. Do you think it would be preferable to "trustees"? I do not attach much importance to the mere use of the word, if the intention in using it be sufficiently defined; although I must say that I do not think the word "trustees" suggests itself as expressive of the functions of the particular office.

744. Would the word "patrons," do you think, be a proper word for such an office? I should fear it might convey an offensive impression to many minds.

745. Is there anything further that you would observe upon the third clause? No, I do not think there is, if it be not this—that the Principal should be a member of the contemplated board, and be regarded as *ex officio* chairman of it.

746. Have you any observations to make on the fourth clause? I find that in the fourth clause the "Presbyterian Church" is spoken of in the third line. Now there is no Church in the Colony to which that would direct one's mind particularly. There are four Churches in the Colony that are entitled equally, and that are regarded as being entitled equally, to be called a Presbyterian Church, each of them.

747. Do you think it desirable, in a Bill of this kind, intended for the education of all Presbyterians, that there should be introduced into its body particular designations? Well, I think the language of it ought to be in harmony with the existing state of things; otherwise I think it must be unintelligible and incapable of being satisfactorily explained. I think the particular expression does not admit of satisfactory explanation, taken alongside the state of things in this Colony at the present moment. In whatever way the difficulty is to be got over, the use of this expression, to my mind, does not surmount it. 748.

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748. How could that expression be qualified so as to satisfy your mind? There are two respects, in either of which it might be satisfactory. To be satisfactory, as in harmony with the existing state of things in this Colony, it ought, I think, to be changed in some such way as this: "For the ministry of any of the Presbyterian Churches now in the Colony, or that may hereafter be formed." The Bill should be comprehensive, I suppose, in its bearing on the future as well as in its bearing on the present. The expression modified in that way would be satisfactory in this respect, that it would be in harmony with the existing as well as with the possible future state of things. But then it might, if thus modified, be unsatisfactory otherwise. My own belief is, that an institution that embraced Churches differing from each other in their testimony could not have a satisfactory testimony itself; and what would render the expression satisfactory in one view, and with one reference, would render it unsatisfactory with a different reference.

749. But does not the circumstance of the Presbyterian Church being mentioned indefinitely in the Bill not imply the very thing you desire, including, as it does, all the sections into which it is at present divided? But my impression is, that there is no body in the Colony to which this designation could be applied as its distinctive designation. There are four bodies in the Colony to which this name is equally applicable, each of them being a Presbyterian Church; and the use of the words "Presbyterian Church," as if there were only one Church known as entitled to that designation—exclusively entitled to it—is a mode of expression that, to my mind, is not in harmony with the actual state of things we have in the Colony. That state of things may be undesirable; but still I think that phraseology which ignores it, and is not consistent with it, is not admissible in a Bill intended for the Colony where such a state of things exist.

750. You think the phrase should be so qualified as to express the fact that the Presbyterian Church at present exists in various communions? I do not see an escape from adopting an expression to that effect, unless one of the bodies existing in the Colony be mentioned as the body for which the College is specially intended; and of course that would divest the College of the character which this Bill proposes to impress upon it.

751. Do you approve of the appointment of such a body as the Faculty of the Presbyterian College for the educational management of the institution, apart from the general body of management, whatever designation it may have? I should approve of a different body for the management of the educational department from the board of management—the board of management being constituted as this Bill proposes that it should be. If I should make any objection to the faculty provided for here, it would be this—that the Principal, who is to be the chairman of it, may be a layman; that there is no provision made to secure his soundness in the faith; and yet the faculty of which he is to be the chairman is to regulate the education, comprehending theological education as well as other branches. The faculty might consist, according to this clause, of only the Principal and one professor, and the Principal may be a layman; and I do not see that there is any guarantee required from him as to his adherence to the Westminster Standards, and yet he is to have equal authority, and, indeed, is to preside at the meetings of the faculty. He is to have equal authority with the other members of the faculty in regulating the theological education.

752. Do you think it would be comparatively easy, if such an institution as this Bill proposes were established, to constitute a theological faculty as a sort of *imperium in imperio* in the general institution? I do not know, I am sure, whether that might be practicable; I have always formed such an estimate of the state of the Presbyterian body that my impression has been that it would be impracticable. But I do not think that the provision made in this Bill—if it can be said that there is any provision at all for the institution of a theological faculty within this College—would secure a satisfactory result in that respect. I find that the professor of theology would be subject to the jurisdiction not only of the faculty, but also to the jurisdiction of the board, as having the power of deciding finally all questions that may arise with respect to the tenure of office by professors. Now, all the members of the board, so far as I can see, may be laymen; and there is no guarantee required by the Bill that they should adhere to the Westminster Standards. I think it is a thing that Presbyterians—I should hope universally—would regard as inadmissible, that questions as to the fitness of professors to retain their office should be submitted to a board of laymen who are required to subscribe no formula, and whose faith is subjected to no test. That is an arrangement which I think Presbyterians would universally object to. Such a board, it is very conceivable, might deprive the professor of his office because he taught doctrines in accordance with the standards of the Church, those doctrines being offensive to them.

753. Would you recommend, therefore, that all office-bearers in the institution, whether trustees or professors, should be required to sign the Confession of Faith and the Larger and Shorter Catechisms? With respect to the trustees, if they were simply trustees holding the property in trust—that trust being fully defined in the deed of conveyance—I should be less anxious as to the opinions they held. But as to the professors themselves, and as to the body having jurisdiction over them—the power of appointing and deposing them—both the professors and the members of that body, I think, should be required to subscribe the Westminster Standards.

754. In the event of divinity professors being appointed under any name that might be deemed expedient for the systematic religious instruction of candidates for the ministry, do you think that the appointment of such professors should rest exclusively with the ecclesiastical body representing the Presbyterian communion? Well, whether the original appointment should rest with the ecclesiastical body or not, I think before the professors entered upon their office, and were entrusted with its duties, they ought to be accepted by the Courts of the Church whose students were entrusted to them.

755. Would you think it sufficient that they had a veto upon any appointment? I think that would serve the same purpose, although I should prefer myself a positive right of interference to that negative one. I must say, in connection with that, however, that I do not see how four bodies, differing from each other with respect to some points that they regard important (at least three of them differ from each other on points that they respectively regard as important) could unite in the making or approving of the appointment of professors.

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756. Do you approve of the fifth clause:—"The Principal shall not be eligible to hold the office of a professor of divinity"? I see no reason to object to it. I think plurality of offices is objectionable, and on that ground I think the clause is a very proper clause.

757. Do you think it should be expressed in this form, or merely that the Principal should not be *ex officio* professor of divinity? By the Affiliated Colleges Act the Principal is required to impart systematic religious instruction to all the students resident in the College; and consequently, when it is said that the Principal is not eligible to hold the office of professor of divinity, I understand the clause as referring to the theological faculty. By the Affiliated Colleges Act he is virtually what is tantamount to a professor of theology. One of the three duties he has to perform is that of imparting systematic religious instruction to young men resident in the institution.

758. Do you think the Affiliated Colleges Act contemplates any other duty on the part of the Principal than he would be supposed to discharge as the *pater familias* of the institution? Well, it expressly provides that the Principal is to exercise domestic supervision, and to give sufficient assistance to the students in preparing for the lectures and examinations of the University. Now there are some *patres familia* who cannot do that exactly. And further, he has to impart religious instruction. I think the first and the last duty are duties that every head of a family ought to discharge; the second is a duty which some heads of families cannot discharge. The Principal is expressly required by the Act to perform these three duties. One of the objections (and it is a strong one to my mind) I have to the provisions of this Bill is, that there is no guarantee required that the Principal shall hold views which are regarded as sound by Presbyterians, while that duty of imparting systematic religious instruction is imposed upon him by the Affiliated Colleges Act.

759. Is not the idea that is attached to the phrase "systematic religious instruction," in Scotland, that of delivering lectures on theology by a professor of divinity? I should understand it as meaning that the person who imparts such instruction carries his pupils or students through a system of theology, either by using a text-book or by delivering lectures to them; he might do it in either way.

760. Are you aware that by a late Act of Parliament at Home the office of Principal in the Scotch Universities may be held by a layman? I did not advert to that provision, but I presume that in that case he is not expected to act the part of a theological professor, as Principals under the old arrangement were expected to do, or might do, although generally they did not exercise that part of their functions.

761. Are you aware that Sir David Brewster, a layman high in the scientific world, is at present Principal of the University of Edinburgh? Yes, I am; but I am not aware that it is part of his duty as such Principal to impart systematic religious instruction. I presume it is not, and consequently his position is *toto coelo* different from that of a Principal under this Act. The names are the same, but the functions are different.

762. Do you not think if the Principal were to be *ex officio* a professor of divinity, that that circumstance would be sufficient to raise a strong objection against the institution generally, on the part of those who are opposed to any support being given to religion from the public treasury? Well, he is a professor of theology to the extent that he teaches systematic theology. I think by the necessity created by the Affiliated Colleges Act that objection will exist, if this contemplated College is to be erected under the Affiliated Colleges Act. The Principal must impart systematic religious instruction, and therefore the position occupied by him will furnish ground for that objection quite as much as if he were a professor of theology, and I think more, because, according to the Act, all students resident in the College, and taking advantage of it, are expected to receive systematic religious instruction from the Principal. They would not be required to attend the lectures of the professor of theology. The position occupied by the Principal, as Principal, would be more offensive on the ground referred to, than the position he would occupy as professor of theology merely.

763. That is an objection, however, to be considered by those who hold these opinions more particularly? Yes; I merely endeavoured to answer the question put to me as to how the arrangement would be likely to be viewed by persons holding that opinion, and I do not see how those holding it could be parties to the creation of an office and the payment of an officer by the Government, it being part of the duties of that officer to communicate religious instruction; that is clearly State aid to religion.

764. Do you approve of the sixth clause? To the sixth clause I have an objection, which I stated formerly. It provides that the professors and tutors shall be liable respectively to removal or suspension for a sufficient cause by the board of management. All the members of that board may be laymen, they may be of any faith, or of no faith, so far as this Bill goes; and yet here they have power to suspend professors and tutors of theology.

765. Would it remove the objection you have to the present form of the clause if a proviso were added that professors of divinity should not be appointed or liable to dismissal without the consent of the ecclesiastical body to which they were subject? I think that would make the clause less objectionable; but it would be humiliating, I think, and harassing to the professor of divinity that he was subject to the jurisdiction of a board of management composed of laymen, some of them, perhaps all of them, ignorant of theology; and perhaps also holding views very different from those he was sworn to teach. I think it would be a humiliating and harassing position for him to occupy.

- Rev. William 766. Do you see anything to object to in the seventh clause? No, I do not think I do.
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767. Do you think it right to give the students power in this way to act upon the management of the institution? I do not see that any bad result would be likely to arise from it to the extent to which it is given. They are merely authorized to present a requisition that a meeting may be held. It is a power which I believe students have not in the Colleges of the Mother Country, but I do not see that any bad effect would arise from it.
768. You would consider it a matter of indifference, comparatively speaking? I would not base any objection on that arrangement. When I read this clause of the Bill it did not strike me that it required any remark from me.
769. Do you approve of the mode of election contemplated in the eighth clause? I think it is open to this objection, that the body of electors might become extinct. After the decease of the original subscribers there might be no additional subscribers, and the body would become extinct. Thus two or three individuals subscribing for the purpose, might invest themselves with the whole of the power this clause confers. "Other six" it says, "shall be elected to supply the vacancies so created, by the surviving subscribers, together with such additional subscribers as shall then have contributed to the funds of the College." It might be found that at the time at which an election so took place there were no "surviving subscribers," or "additional subscribers," and it would consequently be open to a few individuals, by subscribing there and then, to procure for themselves the patronage which they might thus exercise.
770. You think it would be necessary, therefore, to have a proviso to guard against such a contingency? I should think that some provision which would contemplate that after a time there should be no additional subscribers towards the College, should be substituted for this one. The funds of the College might, in the course of time, become amply sufficient for all its purposes, and then there would be no stimulus to subscribe towards it; so that the body in which the right to elect is here vested ought to be expected ultimately to cease to exist. A state of things that would result in its ceasing to exist ought to be desired and expected. I think, therefore, some other provision than this, more in harmony with the ultimate prosperity and permanence of the institution, ought to be adopted.
771. Do you approve of the system contemplated in the other Affiliated Colleges Acts—that the fellows should be supplied from the students who have graduated from time to time in the University? From the fellows, I think, if I remember rightly, who still continue on the books of the College.—"All vacancies in the office of warden or in the number of fellows or senior fellows occasioned by death resignation removal or other cause shall as soon as conveniently may be after the vacancy (on notification of the fact under the hand of two fellows or senior fellows to the other fellows and senior fellows) be supplied in the manner following—that is to say—in the office of Warden by the senior fellows—in the office or place of senior fellow by the twelve other fellows from their own body—and in the place or post of fellow by the remaining fellows."
772. Do you approve of the system of patronage, that the appointment of the succeeding office-bearers of the institution, both educational and others, should be in the hands of the students, or the young men who have been educated in the institution—do you approve of that form of patronage? It seems to be after they have passed from the rank of students and attained to that of fellows that they are to be vested with this right.
773. But do you think that that is a safe mode of investing the patronage of the institution, far as the appointment of office-bearers is concerned? Well, whether it might result in a corrupt exercise of patronage I cannot very well say. No doubt a body comprehending a greater number of members might be desirable. I would at the same time observe that, while I am not prepared to say whether the arrangement in the case of St. Paul's College is open to objection, I would prefer it very decidedly to the arrangement proposed here. I think that this arrangement is peculiarly open to objection, because the qualification is a money qualification—a very low money qualification—and consequently could be purchased at any time by a few individuals, or indeed by one individual, if he chose to be a little lavish of his money; whereas, in the other case, a certain fitness for the office, by education at least, is required before the power to take part in such an election can be exercised.
774. Are you aware that Sir W. Hamilton, a high authority in matters of education, objects particularly to the election in the English Colleges being in the hands of fellows? I would not defer to Sir W. Hamilton's judgment when theology was in question. On other subjects I would defer to it very much; but so far as the appointment of theological professors is concerned I would not consider him by any means a safe guide.
775. His remarks refer to the appointments in Universities generally? Well, I should think that so far as the professors to be appointed are professors of other branches than theology, electors possessing the qualification that fellows of a College would possess would be far better qualified—would be far more suitable to exercise the power of election, than mere subscribers who possess no educational qualification, perhaps, for making such choice.
776. Do you not think that the necessity of the case requires that the first election should be by the subscribers? I think in the other Acts the first election is by the subscribers; but there is this condition laid down in both the other Acts—that a certain number of those elected shall be clergymen. There is no provision of that kind, so far as I can see, in this Act.
777. Do you think it desirable that there should be the same proportion of clergymen elected under this Act? I have never chimed in with the modern objection to the interference of clergymen with education. I think their office justifies the belief that they will at least take as great an interest in it as any other member of the community, and that they will be found quite as well qualified to direct and encourage it.

778. Do you think it would be an improvement in the present Bill if it were stipulated that one-third of the board of management should be Presbyterian Ministers, signing the Confession of Faith? I certainly would consider it an improvement. I think that men better qualified for discharging the duties that devolve both upon the board and upon the faculty would not be likely to be found in other portions of the community.

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779. Do you think that tests are effectual, generally, in securing the object they have in view? Well there have been instances, no doubt, in which they have been ineffectual, but they possess this advantage, as applied to professors of theology, that if any such professor teaches doctrines other than those he engaged to teach, discipline can be exercised; but if no test has been applied, and no formula signed by him, he is under no particular obligation to teach any set of doctrines. This Bill does not contemplate a test as regards professors. I do not see how discipline could be exercised upon a professor appointed under this Act who taught what Presbyterians would consider unsound doctrine, unless he had bound himself by a formula to teach what Presbyterians consider scriptural doctrines. He might teach what was considered unsound in point of doctrine, without violating the obligations of his office.

780. Is not the tendency of the age at Home very much to dispense with tests in certain cases? Yes, in certain cases; but I am not aware that that tendency has ever reached professors of theology. I am not aware that any of the Churches of Scotland would acquiesce in an arrangement under which religion might be taught by professors of theology without subscribing any formula; I think none of them would.

781. Do you think it is implied in the 4th clause of this Bill, that professors of divinity should be appointed without subscribing formulas or being subject to ecclesiastical jurisdiction? Well, I think that what the Act does not provide for it is supposed to dispense with; and this Act does not provide for the application of any such test that I can see. My impression was, on reading the Act, that there was a careful, deliberate, and conscious avoidance of the application of tests. My receiving that impression shows that I think this Act is far enough from indicating that subscription to a formula would be expected or required.

782. There is nothing positive in the Act, so far as you read? No; but that is the ground of my objection to it. I think there ought to be something positive and very decided.

783. Do you object to the franchise proposed in the 8th clause, that subscribers of one pound should have one vote? No, I did not mark that as furnishing ground for objection, but I do not find that in the other Acts there is any franchise of the kind. I think subscribers, without any distinction, are allowed to have a vote, if I remember rightly.

784. Do you think there would be any danger in allowing Presbyterians generally of the humbler classes, able and willing to subscribe a pound to such an institution—do you think there would be anything dangerous in allowing them to vote? I do not see why there should be anything dangerous in allowing Presbyterians in the humbler classes to vote any more than allowing Presbyterians in more affluent circumstances to do so. But other than Presbyterians might be subscribers; the franchise is not limited to Presbyterian subscribers; the Church of Rome might subscribe to such an extent towards this College that it would have the appointment of all its functionaries.

785. Do you think there is any likelihood of such a contingency? Wonderful craft is exercised in some quarters sometimes. I do not think there would be any likelihood in this case, but I am looking at the door this Act leaves open. It does not restrict the exercise of the franchise to Presbyterian subscribers, but it extends it to all subscribers; however, I did not take notice of that as forming a ground of objection. I think other Acts are identical with it in this respect; but I think they do not distinguish between subscribers of larger amounts and those of smaller ones; I think they give one vote to each subscriber.

786. *By Mr. Morris:* They are guided by the prospectus? In the St. Paul's College Act no distinction is made.

787. *By the Chairman:* Do you think it is desirable to prevent the rise of a money power in such institutions, by limiting the votes of subscribers to a certain maximum, whatever their subscription might be? I think that no opportunity ought to be left for the exercise of an undue money power; I think it is very desirable to guard against that.

788. Do you see anything to remark upon in the 9th clause? The objection which I have made repeatedly before occurs there again:—"All subsequent appointments after the first, whether of Principal, professors, or tutors, shall be made by the board of management." This Board, which is not described at all in the Act as regards its religious qualifications, is entrusted here with a most important duty bearing upon the teaching of theology.

789. Supposing that a proviso were added to this, or one of the other clauses, that the appointment of professors or teachers of theology should be in the hands or subject to the veto of the ecclesiastical body or bodies—would that be sufficient to meet the objection you have? Placing the election in the hands of parties possessing the requisite religious qualification would do away with the objection; although that arrangement seems to be surrounded with difficulties in the present state of things in the Colony. I do not very well see how the four religious bodies we have in the Colony could unite in electing a professor of theology. But though a difficulty would be created by that arrangement, the objection I have would of course be removed; the proper religious qualification would be secured in the electors.

790. Have you any remark to make upon the 10th clause? I have no other remark than the objection I have been making all along to the power with which the board of management is invested. It here has the power of making by-laws and rules, subject to the only restriction that these shall be transmitted to the Governor within thirty days after they are made. But the exercise of its power in that direction perhaps might be less objectionable than the exercise of its power in some of the other matters that have been referred to.

Rev. William 791. Is there anything you object to in the 11th clause? No, unless it be that it
 McIntyre. provides that a name which certainly has a fixed meaning, shall be diverted from that appli-
 cation, and a new sense given to it; that is the only objection which I see to it. Perhaps
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 it can do to make the name of the Church of Scotland applicable to Churches in dissent from
 it, as some of the Churches in this Colony certainly are. The necessity which this clause
 recognizes of offering violence to the language of previous Acts —

792. Not "previous Acts," a "previous deed of grant"? Yes, the "previous deed of grant"
 impresses upon my mind the conviction which we derive from other considerations—that the
 Presbyterian bodies of the Colony are not in a position at present to erect a College unitedly
 that will answer the purposes of all of us. My own expectation is—that we shall come to be
 in that position by-and-by. I had hoped that some changes might have taken place that
 would have brought us nearer that position; but there is less prospect of that than I antici-
 pated. But by-and-by I hope it will be found that we can unite in a work of this kind.

793. Do you not think the Parliament has power to rectify any inappropriate language in a
 deed of grant for such a purpose? I should think it would be more competent for the
 Parliament to enact that, notwithstanding the use of the expression "Church of Scotland"
 in the deed of grant, the site for the contemplated College should be vested in trustees for
 the purpose of certain Churches—these being designated.

794. Do you not think the phraseology of this clause provides for that case? I think the
 phraseology is intended to provide for it; and if it be passed, I suppose it will provide
 for it.

795. Do you object to the phraseology of the concluding part of this clause, providing that
 the College shall be open to persons objecting to parts of the twenty-third section ("chapter"
 it should be, instead of "section") of the Confession of Faith which relates to the powers of
 the civil Magistrate? No, I should not object to the College being open, so far as access to
 its education is concerned, to the whole community. I might entertain very decided views
 upon that subject myself, and object to persons holding views opposite to my own being
 appointed professors of theology in the College; but so far as access to the classes of the
 college by students is concerned, I would not object to Jews or Mohammedans having such
 access.

796. Do you think there would be any danger—supposing such an institution as contem-
 plated by this Bill were established—that the Presbyterians generally would elect a
 Unitarian board of management? There have been instances of Presbyterian funds being
 diverted to Unitarian purposes through a decay of sound principles and the adoption of
 unsound ones; and my own impression is, that whatever we might apprehend or anticipate
 in regard to the present generation, an Act of this kind ought to provide against such
 contingencies. It is a possible thing—it may not be a probable thing; but I think an Act
 of this kind should be so definite in requiring that professors should hold certain views and
 subscribe certain standards that it would prevent any such result at any future time.

797. Do you think that, in the event of such an institution as this Bill contemplates being
 established, it would be requisite to have some other institution of a subordinate character
 to serve as a nursery for this institution? In the form of a grammar school?

798. Yes, academies? I think that the supply of such institutions to the community is
 insufficient. There were resolutions which I think you yourself, sir, brought into the
 House at one time with the view of affording facilities for the erection of grammar schools.
 I was very hopeful that those resolutions would have been moved and carried. I think that
 if some such arrangement were adopted by the Legislature the state of education in the
 Colony would be more in adaptation to those higher institutions than it is at present. At
 present we have scarcely any institution of that kind. The Sydney Grammar School, and
 one or two others, are the only ones I know of that are in a position to train young men for
 the Colleges or the University.

799. You think there is a deficiency in the present arrangements that would require to be
 supplied before a sufficient number of students could be trained up for the Presbyterian
 College or the University? I think so. I think that the results already developed in the
 case of the University and St. Paul's College are a sufficient proof of that. There is some-
 thing in the state of the community—whether it be a want of educational institutions or
 something else, I do not know—but there is something which has prevented the University
 and the College I have mentioned from rendering a benefit to the community, in the way of
 imparting the higher branches of education to so considerable a number of young men as
 might have been expected. I think there is a grievous want of such institutions as grammar
 schools.

800. *By Mr. Morris:* Am I to understand you, Mr. McIntyre, as saying that if a theological
 professor in your Church had scruples with regard to the meaning of a portion of the 23rd
 chapter of the Westminster Confession of Faith, that you would think him on that account
 an unsound theologian? No, I did not say so; but unless he understood the third section
 of the 23rd chapter of the Confession of Faith in the sense in which the Church to which I
 belong understands it, I would consider him ineligible for the position of professor of
 divinity.

801. But supposing that he only objected to that portion which seemed to inculcate
 intolerant principles in religion, would you then consider his scruples serious? If he simply
 objected to the language as unhappily chosen, and seeming to convey a meaning which the
 authors of the Confession did not intend it should convey, and which it is evident from other
 portions of the Confession itself, as well as from the entire history of those men they did not
 wish to convey—that I would consider as no ground of objection; but if he objected to the
 doctrine which the language was intended to convey, and I believe *does* convey, particularly
 when

when taken in connection with the rest of the Confession and with the circumstances under which the Westminster Assembly met, I would consider that a sufficient ground for objecting; not that he objected to the language as being unhappy, but that he objected to the doctrine which the language was intended to convey, and does convey.

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802. Is not the position of the United Presbyterian Church exactly what you now describe—not that they object to what you imagine to be the meaning, but that they object to the words as not conveying the meaning they think ought to be conveyed? No; they object to what I regard and value as the meaning of it. They object to an interference in religious matters on the part of the civil magistrate, while I hold that interference to be his duty—a duty imposed upon him by Christ as the King of Nations, as well as the Head of the Church. I do not see how members of the United Presbyterian Church, with their views of the relation of the State to the Church, could accept such an institution as this Bill is intended to provide, because this institution is to be purely—or, indeed, very much—for imparting religious instruction. They object to the application of the funds of the State for such a purpose, and therefore they ought to object to the application of public funds for the purpose.

803. There is no article, I think, in their Church that binds them to that? They hold that the cause of Christ ought to be maintained and extended in the world by the voluntary offerings of his people, and that Governors, as such, ought to leave it alone—affording to it toleration only.

804. If I am advised aright, there is no such formula as that which any clergyman of that Church is called to sign;—it is a matter left to individual opinion, is it not? I am not speaking as to the words of the formula, but I am greatly mistaken if there be not such a statement of belief as I am referring to.

805. Would you object to the meaning here given in the three last lines of the 23rd chapter? I would object to the phraseology as implying that the portion of the Westminster Confession referred to does seem to inculcate intolerant principles. I believe that that portion does not seem to inculcate intolerant principles.

806. But is not that a very small matter upon which to refuse a union with bodies holding, in every other respect, the same principles as yourselves—would not that of itself be intolerant? Well, if that would be intolerant, the holding and carrying out of distinctive views on religious subjects in any case would be intolerant. Unless we are to bend and mould our faith so as to bring it in harmony with the faith of others, so that they and we can unite, I do not see how we can escape that charge. Independents and Presbyterians ought to be united, and the Church of England and Presbyterians ought to be united. There is a cry for union among Presbyterians. It is a very proper cry, but it ought to be more comprehensive—there ought to be a more comprehensive union.

807. I can quite understand how different churches, including Presbyterians, may not unite in regard to particular forms of church government, but I think they might unite in the establishment of a College in which the same distinctive doctrines were taught? If the College were for the teaching of branches comprehended in what is called the under-graduate course—such as languages and mathematics and philosophy,—if it were only intended for the teaching of such branches, I do not think there would be any great difficulty. But the moment it is contemplated to teach theology in the institution, it is more important (if we are at liberty to speak of *more* or *less* in the case at all) that there should be a satisfactory guarantee for the soundness of the professors than that there should be soundness in individual ministers. Unless it would be right for churches to admit into their pulpits ministers who had not subscribed the required formula, it would be still less so to admit into their theological chairs professors who had not so subscribed.

808. Agreeing with you in all you say, could not Presbyterians unite in having a theological professor who held the whole of the Standards of the Presbyterian Church with the exception of this small scruple (because it is a scruple) with regard to a portion of the 23rd chapter of the Confession of Faith? That amounts to this: Whether Presbyterians ought not to modify their testimony, and strike out one article of it—an article which others have struck out. Might it not be as fairly put in this way—might not the United Presbyterians join with those who hold the principle of an establishment, in instituting a College on a basis which recognized that principle, as well as persons who hold that principle join with others on a basis which rejects that principle. May not the concession come from their side as well as from ours?

809. We have evidence before this Committee to show that the United Presbyterians do make great concessions;—as far as we are able to take the evidence of the only clergyman of that church, they make great concessions to have an Affiliated College on a common basis? My own belief is this, that we ought not to do things by halves. If we take the important step of arranging that our professors of theology shall be appointed without being required to subscribe to our formula, let us go the whole length, and arrange that our ministers, too, shall not be required to subscribe. I like consistency, and I see that there is a departure from it in this case. I cannot hold a principle for one purpose and not hold it for another purpose to which I think it is equally applicable, and to which the application of it is more urgently demanded. That is the feeling I have. I believe that the attempts which have been made from time to time (I trust that this attempt may not have a similar effect) to bring us together before things are ripe for our being brought together, have served only to remind us that there are points with respect to which we differ. If we were left to converse with each other—to communicate our views, and to endeavour to explain to each other how the barriers which separate us can be got rid of—I think by-and-by we might see our way towards a union, and, without compromising our principles at all, enter on an undertaking which would be satisfactory to all. If I might be permitted to make the remark, I would say—all I would deem advisable at present, in reference to the establish-

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- ment of a Presbyterian College, would be this: That some declaratory Act should be passed, to the effect that Presbyterians, although they did not for some years to come avail themselves of the provisions of the Affiliated Colleges Act, might do so—say within the next fifteen or twenty years. I am very sanguine that before a much shorter period has elapsed Presbyterians will be so united that the formation of a College will be practicable. I have no fear but that my reverend friend opposite (Mr. M'Gibbon) and I, if we had a few conversations in private, might see that the difficulties in the way of our being united are not so formidable as they would appear before Church Courts, and when they were being discussed with all the reserve and caution with which they must be discussed there.
810. You do not object to a Presbyterian College on a comprehensive basis being now initiated? I do not know whether the present state of the law will leave it open to Presbyterians to avail themselves of the Affiliated Colleges Act at any future time, or whether there is limitation in that respect; but if there be a limitation, all that I would consider it desirable to do at present is, that that limitation should be removed—that the time should be extended, and that we should wait for the effect of conference in bringing us to see, eye to eye. If you had taken away the state aid to religion for us, you would have done more towards a union than you are likely to do by an enactment of this kind.
811. How would that have affected the United Presbyterians? It would not have affected them, but it would have affected certain others of our brethren perhaps.
812. *By Mr. Dickson:* What portion of the Presbyterian Church do you belong to? The Presbyterian Church of Eastern Australia, which holds the same principles as the Free Church of Scotland.
813. What do you consider to be the relative number of Presbyterians in connection with that body compared with the whole Presbyterian community in this Colony? I think I do not over-estimate their numerical strength in thinking they are, at least, one-third of the Presbyterians of the Colony.
814. Are you aware of the body to which you belong having been consulted with reference to the originating of this Bill now before the Committee? No; we have never been consulted.
815. Has it been got up by the aid or assistance of any portion of the Presbyterian Church in connection with the Synod of Eastern Australia? Not acting in their official capacity. Whether individuals, as individuals, have taken any part in preparing the measure I am not aware, but none of our Church Courts have had the matter before them.
816. Are you aware of any ministers in connection with your Church having taken any part in the matter? I am not aware of any.
817. Are you aware of any individuals in connection with your Church who have taken any part in the matter? I am not aware of any individuals, office-bearers or laymen, who have done so.
818. Are you aware if there have been any funds subscribed towards the Presbyterian College contemplated by this Bill? I am not aware.
819. Do you consider it expedient that the Presbyterian College should be incorporated at the present time? I do not. I do not see how it could be incorporated, except in connection with some one of the Presbyterian bodies; and I think it would be undesirable that a new barrier to union should be created by the erection of a College in connection with any one of our churches in the meantime. I think at the same time that a College is very desirable. If we had but one Presbyterian Church in the Colony, or if nearly all the Presbyterians were comprehended in one church, I think it would be extremely desirable that it had the means of training its own ministry, as well as imparting secular education to the youth of its own body.
820. Do you think that in the present divided state of the Presbyterian body it would tend to allay the division which exists if a Presbyterian College were incorporated? I think it would rather aggravate the divisions, because fresh controversies and contentings would be the consequence. I think we are at present in the most favourable position in which the Presbyterian body of this Colony has been for a considerable number of years past for arriving at a union; and I think there is nothing more likely to render our position less favourable than the precipitating of any effort of this kind.
821. You spoke of the possibility of the original subscribers dying, so that the appointments might be in the power of any number of men who might subscribe for a given purpose;—is it possible, under this Bill, that a hundred Roman Catholics, or a hundred Unitarians, could each subscribe £1, and thus command 100 votes? I think it is perfectly possible for them to do so. There is no religious qualification required in the subscribers, and in the course of time the original subscribers will have died off, there may be no additional subscribers, and it would then be open for any parties who had an interest in doing so to subscribe and obtain possession of the entire patronage to be exercised.
822. Then it would be possible for these 100 subscribers to elect a Roman Catholic or a Unitarian professor under this Bill? There is nothing to prevent its being done under this Bill, as far as I can see, because the Bill does not provide for any test. So strongly was that impressed upon my mind, that the first remark I wrote down to guide me in answering questions before this Committee was, that this College is Presbyterian only in name. I would not discover from any part of it, except the title and the concluding clause, that it is Presbyterian at all.
823. You consider it necessary that a Presbyterian College should be incorporated, but do you consider the provisions of this Bill such that they would impart to the College the character of a Presbyterian College? I certainly do not. I do not recognise anything in this Bill to impart that character to the proposed institution. It is called "the Presbyterian College;" and the bodies for whose benefit it is to be erected are described as bodies adhering to

to the "Westminster Confession of Faith," with a certain limitation; these are the only two things in the Bill that would lead one to look upon it as a Presbyterian College at all. If the title were erased, and this last-clause which contains only the provision I have referred to, this Bill might be for any other body in the colony as well as the Presbyterians.

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824. Do you think the proposed College would be acceptable to Presbyterians generally? I do not think it would. I think I express the general views of the body with which I am myself connected, and I do not see how the Synod of Australia in connection with the Established Church of Scotland could receive this Bill. There are too evident grounds on which they would object to it. They would object on the grounds on which I object to it myself, and they would object to it also on this ground, very possibly: That they are the representatives of the Church of Scotland in this Colony, and have a right to all the advantages provided by the Legislature for that body. I think that the brethren who compose the Synod of Australia in connection with the Established Church of Scotland will have done a good service towards union if they at present delay acting upon the right which they seem to have to claim that the College be erected for them. It will be well if they delay, so that in the meantime Presbyterians may attain to such relations towards each other that we, and others along with them, could take the step proposed. That is a concession I would claim from them, and I think that if they grant that concession they will lay us under an obligation, and render a great service to the Presbyterian cause.

825. Do you think it would be more within the functions of the Legislature to amend the deed of grant than to attempt to declare that the Church of Scotland should be altered so as to embrace the whole of the Presbyterians? I think so. I think that in the one case it would be giving for a particular purpose a new signification to an expression which would still, elsewhere and for other purposes, retain its former signification. This would be a very awkward thing to say the least of it. I think the change to which you refer is more within its competency than this would be.

826. Would you recommend that an alteration should be made in the deed of grant—that it should be so altered as to embrace the whole of the Presbyterians? Well, I would not like to recommend anything that would have the effect of legislation being attempted just now upon this subject, because I think legislation upon it would be premature, and would have an injurious instead of a beneficial effect.

827. I think I asked you whether you are aware of any funds having been subscribed towards the Presbyterian College, but I should like to put this question: Are you aware of any money having been subscribed by that portion of the Presbyterian Church to which you belong for the erection of a College as contemplated by this Bill? So far as I am aware none has been subscribed. My belief is that none has been subscribed. There was money subscribed by some members of the Presbyterian Church of Eastern Australia towards the erection of a College previously, but not towards the erection of a College as contemplated by this Bill; but the money then subscribed, so far as it was paid, was returned to the subscribers, and the subscribers cannot now be regarded as under any obligation to fulfil their previous promises.

828. *By the Chairman:* Are you in favour of the Affiliated Colleges Act generally? No. I thought it a very useless and unnecessary Act. That was my impression at the time. I thought it was much ado about nothing—a great expense being involved to provide one official, and to provide him for a very limited number of students, for the number would necessarily be limited in the present circumstances of the Colony.

829. Do you not think it would have been better for the interests of morality and religion generally in the Colony, if there had been no such addition to the University system? I would think the University defective as it is; but I think that this mode of correcting the defect is not at all a satisfactory one. I think that if the principle upon which the University seems to have been founded were left to operate fully the different religious denominations would have been left to provide theological instruction for the youth of their own communions. I think that the Legislature has fallen into an inconsistency in first adopting a system from which religion was excluded, and in then appending to it a certain arrangement that introduced religion. I think it has fallen into an inconsistency, and imposed a great expenditure upon the community—an expenditure for which, my impression is, no adequate return will be made.

830. Supposing that it would have been better for the community if the Affiliated Colleges Act had never been passed—do you think the state of things is materially altered, as far as the Presbyterians of the Colony are concerned, now that there are two colleges in existence under that Act? I should be glad if the Presbyterians could avail themselves of the Affiliated Colleges Act, if they were in a position to do so with the view not of securing for themselves the advantages which the Affiliated Colleges are likely to confer if left exactly as the Affiliated Colleges Act leaves them, but for the purpose rather of their forming within those colleges a theological faculty. I should be glad that they would avail themselves of it with that ulterior view, if they could do so. I do not think they are at present in a position to do so. I have no difficulty myself—holding, as I do, the principle of an establishment—in asking the Government to apply a portion of the funds of the State towards a religious object, that being, according to my views, in accordance with the Scriptures; and consequently, if the Presbyterians were, in respect of union, in a position to enter upon the undertaking of erecting a College of this kind, I should be glad that they would avail themselves of the Affiliated Colleges Act, in order that they might in that way have access to the funds that Act provides; and that they might be in better circumstances, not to provide for themselves a Principal exercising domestic supervision and imparting systematic religious instruction to the students, but that they might form within the College they were enabled to erect a theological faculty, and extend the faculty of arts which is now offered by the University.

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831. You mean that they should have a theological faculty as an *imperium in imperio* within the precincts of the College? I would not value the College at all for the purpose for which the Colleges Act provides it. I would value it as a stepping-stone towards providing professors not comprehended in the University, as of moral philosophy. I look upon the Affiliated Colleges Act as a piece of bungling legislation, involving great expense without compensating advantages; but I think it might be converted to a useful purpose in the case of the Presbyterians if, in respect of union, they were in a position to co-operate in erecting a Presbyterian College. I should, therefore, rejoice if some resolutions were adopted by the Legislature to the effect that the advantages offered by the Affiliated Colleges Act would be open to Presbyterians for a longer period than is now contemplated, in the hope that they might by-and-by be in a position to avail themselves of it.

832. *By the Rev. J. M. Gibbon (Petitioner against the Bill)*: What concessions do you think, Mr. McIntyre, the United Presbyterian Church could make with reference to the establishment of a College, and maintain at the same time their distinctive principle? Well, I think, sir, if they would take part in the erection of a College at all for theological purposes, with the aid of the Government, they would surrender entirely the principle that distinguishes them from us, and that they might then join with us in subscribing the Westminster Confession of Faith without qualification, only explaining, if they thought that necessary, that they did not attach such a meaning to the 3rd section of the 23rd chapter as some suppose it bore.

833. Do you think the United Presbyterians stand apart from the Church of Scotland and from the Free Church of Scotland simply on account of the meaning they attach to the words in that section of the Confession of Faith? I think so. I think it is as rejecting the principle of an establishment.

834. They do not stand apart simply on the interpretation of the words, but upon the doctrine itself? Upon the doctrine itself. I do not think that either the Established Church of Scotland, or the Free Church, would cast out from its communion a minister or office-bearer on the ground that he felt a difficulty as to the use of that particular phraseology, if he still held what the Established Church and the Free Church held as the meaning of that section.

835. While you consider it highly desirable that there should be Grammar Schools established throughout the country, do you not think there is a sufficient supply of such means of education in Sydney? For Sydney itself, possibly there may be, but I am not sufficiently conversant with the state of Sydney to be able to speak with authority.

836. Looking at the state of the Grammar School here, and its capacity for imparting the higher branches of education, would you not say that there is a sufficient supply of such means in Sydney? My own impression is—although I am not sufficiently well informed with respect to the educational institutions in Sydney to be able to speak with confidence—that advantage would be taken of the Grammar School to a greater extent if its mode of conducting its operations were popularized more, and if the rate of charge were lower—which I think, with the Government assistance it has received, and still receives, it ought to be.

837. Speaking of the religious instruction to be imparted in the College proposed to be established under this Bill as being defective—I would ask you, do you think there is any real provision in this Bill for the imparting of religious instruction? Not beyond the appointment of a Principal. The Principal would, by the Affiliated Colleges Act, be required to impart such instruction.

838. But I am speaking of this Bill—is there any provision in this Bill for imparting any religious instruction at all? I think that the Principal to be appointed under this Bill would be bound, from the application to his office of the Affiliated Colleges Act, to impart religious instruction; but beyond that there is no provision. It is said that “it is expected” (I do not know on what grounds) that a theological faculty would be erected; but if that expectation should not be realised—and the Bill does not provide for the realization of it—there will be no religious instruction beyond that which the Principal would be required, not by this Act, but by the other Act, to impart.

839. But in this Bill there is no such provision as you refer to in the Affiliated Colleges Act? No; but the Affiliated Colleges Act would apply.

840. No, but we are taking this Bill as it is presented to the Committee;—looking at the preamble of this Bill, do you not think it is distinctly—characteristically—different from the preamble of the Affiliated Colleges Act—different in its most important point? Well, this omits, I think, the provision requiring the communication of systematic religious instruction. There is that difference; and I think the operation of the Affiliated Colleges Act, as the Act under which this Bill, if carried, would be passed, would not permit that omission.

841. Do you not think the supplying of that omission would alter the character of this Bill? It would render the introduction of some test necessary.

842. Would not the making of this preamble consonant with the preamble of the Affiliated Colleges Act render this Bill characteristically different from what it is at present? It would to this extent—that there would be an explicit provision for the communication of religious instruction.

843. It would then be a different Bill from what it is now? Certainly.

844. You consider the distinctive characteristic of this Bill to be, that it contemplates the erection of a secular institution? It does not provide for anything beyond secular instruction.

845. Then, if there were this added to the preamble—that it should provide for the communication of systematic religious instruction instead of making it provide only for secular instruction, it would be a different institution? Yes.

846. You did not see much objection to the expression contained here in the preamble—“other students”? No.

847. Do you not think that that addition is exceedingly objectionable, when you consider that in this Bill there is no security that the subscribers shall be Presbyterians, that the board of management may not be Presbyterians, that the teachers and professors may not be Presbyterians, and besides, that the students shall actually have so far a part in the affairs of this institution as to be entitled to call, in connection with others, meetings at which subjects shall be discussed? My impression was this—that I should like to see the institution open to other students; but I should like to see proper guarantees provided by the Bill for securing that it would bear the character of a Presbyterian institution.

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848. But as this Bill stands, do you not think the expression "other students" objectionable, taken in connection with the fact that the students are to have a certain power in the calling of meetings and the discussion of subjects, together also with the fact that the subscribers, the board of management, and other officials, need not be Presbyterians? I think the students have only the power of requesting that meetings shall be held; I do not think they have the power of taking any part in the proceedings. I would not like to object to other students having access to the College; what I should like is, that such a character should be impressed upon the institution that the admission of other students would be in no way a ground of objection.

849. You do not like the expression "trustee" as applied here? I think it does not describe properly the duties which the office-bearers in question are intended to perform.

850. Are you aware that it is already appropriated to persons who shall hold in this College entirely different offices to the offices assigned to the trustees here named? That is under the—

851. Deed of grant? I have not examined the deed of grant, but I suppose that in that deed there will be trustees for the purpose of holding the property under certain conditions.

852. Those trustees are to be the Chancellor and other officers of the University? That would make the use of this expression still more objectionable, because it would comprehend those gentlemen who, I suppose, are at present members of the Church of England.

853. The word "fellow" is not in use in Scotland? No.

854. If the word "fellow" is objectionable here because it is not used in Scotland, is there not the same objection to the term "trustee," inasmuch as it is not used in Scotland? Not for the purpose for which it is used here.

855. The objection then lies against both words? I think so; although as regards "fellows" it is a mere national feeling that comes into operation.

856. Do you not think the word "fellow" is preferable to the word "trustee," inasmuch as it has an educational aspect? I think that the word trustee is open to graver objection than the one which occurred to me, from the circumstance that it is applied in the deed of grant to parties who, in the meantime, are members of another communion, and that "fellows" again is open to no such objection. There is no objection to it that I know of, except the one I formerly referred to; it is a word in use among Episcopalians, and not among Presbyterians.

857. Speaking of the "Colleges" of Scotland;—while making use of the term "Colleges," did you not mean the University? Yes, the Universities of St. Andrew's, Aberdeen, Glasgow, and Edinburgh.

858. Is there any similarity between the Universities of Scotland and the College now proposed to be erected under the Affiliated Colleges Act? I think they are very unlike; there may be points of resemblance, but I think they are very unlike.

859. Do you know anything of the constitution of the Committee that drew up this Bill? No, I am not aware at all who drew it up.

860. You are not aware that it consisted of Dr. Lang and a few laymen in connection with him, some of whom were not Presbyterians? I am not aware; I do not know who composed it.

861. You are not aware that the late Secretary for Lands (John Black, Esq.) and the present Secretary for Lands (John Robertson, Esq.) were both members of that Committee? No, I was not aware that such was the case.

862. Are you aware that Dr. Lang's brother was appointed as a layman upon this Committee to represent the Synod of Australia? No, I was not aware of that.

863. Are you aware that Dr. Lang's own son was the secretary to this Committee? No.

864. Do you think a Committee so constituted would enjoy the confidence of the Presbyterian community for such a purpose? Well, I do not wish to express any opinion disparaging to the gentlemen that have been named; but I think at the same time that, without expressing any such opinion, I may say they would not be chosen by Presbyterians to perform such an office—at least, there are some of them that would not be chosen.

865. Do you think that as this Bill has emanated from such a quarter—the ecclesiastical parties thereto being members of the Synod of New South Wales—and as it has emanated without the concurrence of the Synod of Australia or the Free Church—that it would deserve the confidence and co-operation of Presbyterians generally? All I would like to say in reference to that is this, that the circumstance that the co-operation of the other two bodies had not been sought seems to imply that in the meantime it was not likely to be obtained. I think that seems to be implied. I would not wish to say that the simple circumstance of a Bill having come from one quarter or another would lead to the rejection of it by any section of the Presbyterian community irrespectively of its merits; but I think that the circumstance of the co-operation of the other bodies not being sought is an evidence that there was no ground for expecting that it would be obtained.

866. Would you say that your Synod would entrust its interests to a committee so constituted for such an object as is contemplated in this Bill? I would not like to say more on that point than this, that I think our Synod would appoint parties of our own body to represent us in such a case.

- Rev. William McIntyre.
7 Oct., 1862.
867. Do you not think that a movement of this description ought to have had the co-operation of the Synod of Australia, constituted as the Synod of Australia is, and representing such a large section of the Presbyterian community? I think that with the comprehensive object which this measure professes to have it certainly ought to have sought the co-operation of all whom it proposed to benefit, and of the Synod of Australia as one of those bodies.
868. What would you think if a member of the Legislature were to attempt legislation deeply affecting the interests of the Free Church without in any way consulting the Free Church itself;—would you think it honest on the part of the member so attempting, or right in the House to prevent such legislation? Well, I prefer myself to look at the character of the proposed measure apart from the circumstances under which it originated; but at the same time I must say, that there is a certain degree of disrespect towards any religious body for whose benefit legislation is attempted, if it has not been itself consulted previously with regard to that legislation. I would not like to speak more strongly, nor would I like to base any opposition on that circumstance. I would base any opposition I might deem it legitimate to offer on the character of the legislation itself.
869. It has been stated in evidence that there is a great deal of indifferentism among Presbyterians as to the section of the Church they may attend—in fact, that they go to any which may be nearest;—do you think that is the truth? I think that there may be partial ground for that statement, but I know also that there are many who entertain decided views and have intelligent preferences.
870. It is stated in evidence that the points of distinction between the different sections of the Presbyterian Church are unimportant;—do you think that is the truth? I certainly do not, nor do I see how any Presbyterian who maintains a separate organization for the sake of those differences can say so. He condemns himself. If I were to say so, having been formerly a member of the Established Church of Scotland, and of the body that represents it here, I would condemn myself, and so would others equally if they made such a statement. If the points are not important which keep us separate, the first step we ought to take on that account is to unite. Then the subsequent steps would be easy. This view has been expressed by a gentleman who was examined before this Committee, I understand:—That our Confessions are too comprehensive; that we ought to confine them within narrower limits, and strike out some of the articles. By a process of that kind we could reduce our testimony so that we could all concur in hearing it.
871. It has been stated in evidence that it is desirable to do away with all tests to ascertain what a man's belief is, and whether he is sound in that belief;—do you think such a course desirable? As regards theological professorships I think tests are as necessary in filling up chairs, as they are in the appointment of ministers to officiate in congregations. Indeed, if it were submitted to me that the test should be omitted in one of the two cases, and I were left to choose, I would prefer to omit it in the case of the minister, and insist upon it in the appointment of the professor.
872. Would you think it an un- Presbyterian mode of ascertaining a man's Presbyterianism, to ascertain it from reputation? Even paying any regard to it would be an application of a test; but inasmuch as such an application of it would be insufficient, the other application would be preferable. The principle in both cases is the same; but the application of the principle in the one way would be nugatory, while in the other it might be made as effectual as the honesty of men will permit it to be.
873. It has been stated in evidence that if this Bill were passed it would have the effect of uniting the various sections of the Presbyterian Church;—do you think that? I have already expressed my belief that the various sections of the Presbyterian body would not accept it. I have also expressed my belief that the attempt to pass it would lead to controversies which would widen breaches I should like to see healed, and which I see some prospect of being healed.
874. It has been stated that if this Committee were to accept this Bill and make some alterations in it—retaining, nevertheless, its principle, that it would be received by all Presbyterians? My impression is that the principle of the Bill consists greatly in the exclusion of all tests which would determine the character of the religious instruction that would be imparted, so far as it secures that religious instruction should be imparted at all. My belief is, that any Bill that does not give a sufficient guarantee as to the religious instruction communicated in the College would not be accepted by Presbyterians generally. I think I should slander Presbyterians if I were to say they would accept theological institutions and professors without requiring any test of soundness.
875. The supplying of that defect would entirely alter the character of this Bill? Decidedly.
876. It has been stated in evidence that gentlemen competent to act as professors of divinity would submit to be under a board of management constituted as this Bill provides;—do you think that is likely? I think it would be un- Presbyterian, because such a board is not invested with any right to exercise ecclesiastical government or to decide questions of theology. We hold very stiffly, as Presbyterians, that only those office-bearers whom Christ has appointed to perform such duties may perform them; and a board of laymen would not be competent to perform them.
877. But, according to this Bill, the board may be composed of laymen holding no views, and giving no guarantee as to soundness? There is no guarantee as to soundness. In St. Paul's College Bill the final jurisdiction is in the hands of the visitor, and the visitor is the Bishop of Sydney.
878. Are you aware if the same provision is made in the St. Andrew's College Bill? I am not aware.
879. It has also been said that gentlemen competent to hold the office of professor of divinity would accept the position without being subject to Church Courts;—do you think that

that is at all likely? I do not think it would be Presbyterian to place them in that position, although they might be willing to accept it. Their own Presbyterianism would be defective if they would agree to be placed in that position.

Rev. William
McIntyre.

880. Do you think the Church Courts would have confidence in the religious teaching and divinity training of persons that would so act? I feel confident that they would not.

7 Oct., 1862.

881. Do you think the Church Courts would have confidence in the religious teaching and divinity training this Bill provides? It provides none, excepting that the Principal, who should impart religious instruction, should be appointed; it makes no provision as to what the religious views or the religious persuasion of the Principal may be—I mean, what religious denomination he may belong to.

882. Do you think the Church Courts of the Colony would have confidence in such an institution without having some connection with it—some power over the teaching within it? I think they would not, and I think they ought not.

883. Is it not a fact, that by far the chief support of the Universities of Scotland comes from the Church Courts of the various denominations? That is, that the students come chiefly from them?

884. Chiefly? A great many students have a view to the church, no doubt, but there are many who resort to the Universities for the purpose of obtaining a secular education.

885. Do you not think that the majority of those who would have recourse to this College would be young men having a view to the ministry in the Presbyterian Church? Well, I think, so far as the obtaining of a secular education is concerned, that most young men who have no professional view would be satisfied with the curriculum of the University, and would not resort to an affiliated college. That is my own impression. It would depend very much upon the professorships that were instituted there. An affiliated college as a boarding-house (and under the Affiliated Colleges Act they are nothing more), is, I think, altogether unnecessary.

886. Is it not a fact, that a large number of young lads growing up, as soon as they have got through the branches the Grammar School will provide, are taken away and put to trades and business, unless they have some professional object in view? I believe that is very much the state of things here at present. No doubt it is desirable that the public mind should be so influenced that an anxiety to impart a higher education to their children should be experienced by parents; but I think that is very much the state of feeling at present in the colony.

887. And, therefore, we might expect that the majority who would take advantage of this College would have a professional object in view? I should imagine so.

888. Do you know of any other Colleges Dr. Lang has taken part in erecting? Dr. Lang took part in erecting the Australian College.

[Question asked and disallowed.]

889. Is it not a fact, that your Synod is unfavourable generally to the principle of the Affiliated Colleges Act? Some of the members of our Synod took part along with your Synod in endeavouring to get up a College under that Act. What the opinion of the Synod might be I am not prepared to say.

890. Did not the Synod discharge that Committee which so took part in the matter? It did, by a majority, but I do not remember what the majority was.

891. Is not your Synod opposed to the indiscriminate endowment principle recognized in the Affiliated Colleges Act? Decidedly; but we hold this—that our Church may take advantage of that endowment under a protest, believing, as we do, that we ourselves are a body the Government would do well to countenance.

892. Do you think, as the Synod of Australia wishes to establish a College on a principle entirely different from that contemplated by this Bill, and as it has certain rights as a community able to raise the amount which will entitle it to the benefits of the Affiliated Colleges Act, that such a Bill as this should be enforced upon them by the Legislature—the Legislature set a-going, too, by an opposite party? I stated in answer to a former question my belief that the Presbyterians generally would not accept this Bill, and also, in answer to another question, that I thought there was a discourtesy towards any religious body in attempting legislation on their behalf without consulting them. I think those two answers substantially meet the case.

[Question proposed and disallowed.]

893. You have seen the deed of grant? No, I have not examined the deed of grant.

894. You are aware that in the deed of grant the Church of Scotland is one of the bodies to whom a portion of land is assigned? I see that recognized in the last clause of the Bill.

895. Do you think that as the deed of grant is made to the Synod of Australia, and as the Synod of Australia is both able and willing to make use of that grant, it should be prevented from so doing by a minority of the Presbyterian body? Well, I think there should be some arrangement with the Synod itself attempted before a step of that kind is taken. My own wish, and my view of what would be most advantageous to Presbyterians in the Colony is, that neither the Synod of Australia nor any other body should in the meantime meddle with the undertaking.

[Question asked and disallowed.]

896. By Mr. Morris: Would you not understand that religious instruction is contemplated under the words "domestic supervision"? No, for this reason, that domestic supervision is mentioned in the Affiliated Colleges Act as one distinct branch of duty, and the communication of religious instruction as another.

1862.

NEW SOUTH WALES.

SYDNEY GRAMMAR SCHOOL.

(REPORT FOR 1861.)

Presented to both Houses of Parliament, by Command.

SECRETARY TO SYDNEY GRAMMAR SCHOOL to COLONIAL SECRETARY.

Sydney Grammar School,
22 May, 1862.

SIR,

By direction of the Trustees of the Sydney Grammar School, I have the honor to transmit to you a Report of their proceedings, and of the progress of the School, during the year 1861, to be laid before His Excellency the Governor and the Honorable the Executive Council, in accordance with the provisions of the Act of Incorporation.

2. A full account of the whole income and expenditure of the School, and the number of pupils who have attended the School, during the year, will be found in the annexed Appendix.

3. At the Meeting held on the 2nd of January, Sir Charles Nicholson was re-elected Chairman for the year.

4. The Trustees have agreed to the following alterations in the Regulations for the government and discipline of the School, during the year ending 31st December, 1861, viz. :—

At a Meeting held on the 5th March, upon the recommendation of the Head Master, a different arrangement was made respecting holidays, reducing their length from 12 to 10 weeks during each year.

At a Meeting held on the 7th May, it was "Resolved, that if any boy holding a scholarship or demyship, be absent from the School during the greater part of any quarter, without reasonable excuse, his scholarship or demyship shall be forfeited."

It was resolved, on the request of the Head Master, that Rule 3 of the Minutes of the 2nd May, 1855, by which Masters occupying apartments, be so far modified, as to allow the Head Master to take boarders, who shall be regular pupils of the School.

5. At a Meeting held on the 4th February, the following Report was brought up and read by Professor Pell :—

" To the Trustees of the Sydney Grammar School.

" The Examiners for scholarships and demyships within the Sydney Grammar School, have the honor to recommend for senior scholarships,—

" Henry Houghton Bradley,

" George Knox,

" Alex. McPherson.

" For junior scholarships,—

" Edward William Knox,

" John Hutchison Macfie,

" Edward Samuel Watson North,

" William Abraham Woolley.

" For demyships,—

" Edward Barton,

" Farquhar Sydney Billyard,

" Alfred Edward Jaques,

" Joseph Wm. McDonnell,

" Edward McFarlane.

" JOHN WOOLLEY.

" M. B. PELL.

" W. J. STEPHENS.

" EDWARD PRATT."

I have, &c.,

W. H. CATLETT,

Secretary.

APPENDIX.

RETURN of the RECEIPTS and DISBURSEMENTS of the SYDNEY GRAMMAR SCHOOL, during the year 1861.

RECEIPTS.		AMOUNT.	DISBURSEMENTS.		AMOUNT.
		£ s. d.			£ s. d.
To Endowment	1,500 0 0	£ 4,430 13 10	By Balance due to the Commercial Bank, on 31 Dec., 1860	156 0 11	£ 4,608 13 7
„ School Fees from Pupils	2,245 10 0		„ Salaries	2,220 0 0	
„ Receipts from the re-sale of School Books	55 3 10		„ Capitation Fees paid to Masters	1,047 15 0	
„ Deposit Account and Interest	630 0 0		„ Allowances	32 5 10	
			„ Purchase of School Books	89 9 0	
			„ Scholarships	238 0 0	
			„ Printing, Stationery, and Prizes	243 11 10	
			„ Advertisements	57 8 0	
			„ Repairs, Draining, &c.	39 16 6	
			„ Miscellaneous Items	40 12 5	
„ Balance due to the Commercial Bank, on 31st Dec., 1861		334 5 8	„ Deposit Account	600 0 0	
		£4,764 19 6			£4,764 19 6

22nd May, 1862.

W. H. CATLETT,
Secretary.

RETURN of the SYDNEY GRAMMAR SCHOOL, for the YEAR 1861.

OFFICER.	NAME.	SALARIES.			ALLOWANCES.			FEES FROM SCHOLARS.			TOTAL.			AVERAGE NO. OF PUPILS.	REMARKS.
		£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.		
Head Master	Wm. John Stephens ..	500	0	0				349	5	0	849	5	0	1st Quarter, 130.	
Mathematical Master	Edward Pratt	400	0	0				224	10	0	624	10	0		
Foundation Master	Edwin Whitfield	300	0	0				224	10	0	524	10	0	2nd Quarter, 128.	
Assistant Classical Master	Walter Heaven	375	0	0							375	0	0		
Do. do.	Edward Blackmore	375	0	0							375	0	0	3rd Quarter, 122.	
Writing Master	C. J. Nelson	120	0	0							120	0	0		
French Master	P. A. Dutruc							154	10	0	154	10	0	4th Quarter, 118.	*Left on 20th September.
Drawing Master	Saml. Chas. Brees*							95	0	0	95	0	0		
Secretary to Trustees	W. H. Catlett	50	0	0	20	5	10				70	5	10		
Janitor	Edward Newman	100	0	0	12	0	0				112	0	0	Average, 124½.	
		£2,220	0	0	32	5	10	1,047	15	0	3,300	0	10		

22nd May, 1862.

W. H. CATLETT,
Secretary.

1862.

NEW SOUTH WALES.

UNIVERSITY OF SYDNEY.

(REPORT FOR 1861.)

Presented to both Houses of Parliament, by Command.

REPORT of the University of Sydney, for the Year ended 31st December, 1861.

1. The Senate of the University of Sydney, in accordance with the provisions of the 22nd clause of the Act of Incorporation, 14 Vic., No. 31, have the honor to submit, for the information of the Governor and Executive Council, the following Report of their Proceedings during the year 1861.

2. Twelve (12) students were admitted to Matriculation, after having passed the statutory examination.

3. The following Degrees were conferred, viz:—

MASTERS OF ARTS:

The Reverend George H. Stanley, B.A., London (admitted to examination under the By-law relating to Bachelors of Arts of British Universities).
Mr. Randolph Charles Want, B.A., Sydney.

BACHELORS OF ARTS:

Mr. James Ebenezer Bowden.
Mr. F. E. Rogers.

4. The following were the successful candidates for Scholarships during the year, viz:—

BARKER SCHOLARSHIP (*for proficiency in Mathematical Science*):—
Edward Bowman.

DEAS THOMSON SCHOLARSHIP (*for proficiency in Physical Science*):—
Andrew Bowman.

GENERAL UNIVERSITY SCHOLARSHIPS:—

Third year:— Edward Bowman.

Second year:— { Samuel Walker Griffith.
Charles Edward R. Murray.
Charles Stuart Mein.

First year:— { Kelson Wright.
Arthur Mansfield Allen.

5. The University Prizes were awarded as follows:—

UNIVERSITY MEDAL (*English Heroic Verse*):—
Ernest Brougham Docker.

VICE CHANCELLOR'S MEDAL (*Latin Elegiacs*):—
Samuel Walker Griffith.

PROFESSOR WOOLLEY'S MEDAL (*Greek Iambics*):—
James Houston.

6. Fellowships of the Senate were vacated by Mr. William Charles Wentworth, Sir Daniel Cooper, and Sir Stuart Alexander Donaldson. These vacancies were filled by the elections of Sir William Manning, LL.D., Q.C., and Mr. John Bayley Darvall, M.A., Q.C., and by the re-election of Mr. Wentworth, on his return to the Colony.

7. Mr. Charles Watt was appointed Curator of the Museum, in the room of Mr. Edward Reeve, resigned.

8. It being deemed advisable that the supervising of the University Books of Account should be entrusted to an experienced Accountant not otherwise concerned in the business of the University, Mr. Geoffrey Eagar was appointed Auditor.

9. A change in the Constitution of the University was effected by an Act passed by the Legislature, at the instance of the Senate, to amend the Incorporation Act of 1851. Under this Act all Full Graduates now possess the right of voting at elections of Fellows of the Senate, which right, under the original Act of Incorporation, was not to be enjoyed by them until their number had reached 100. This right is also now extended to the Heads of Colleges within the University, to all University Teachers, and all Superior Officers of the University declared to be such by By-law. By the same Act the titles of the Provost and Vice Provost were altered to those of Chancellor and Vice Chancellor, and the Senate was enlarged by a provision that, in addition to the originally prescribed number of Fellows, there must be not fewer than three nor more than six "ex officio" members, who must be "Professors of the University in such branches of learning as the Senate shall from time to time by any By-law in such behalf select." The Senate have accordingly passed a By-law (appended), selecting, for the present, three Professors—viz., the Senior Professor of Classics, the Senior Professor of Mathematics, and the Senior Professor of Chemistry and Experimental Physics.

10. The funds granted by the Legislature having been exhausted, no progress was made in the Building during the year. A clock and bell have been presented by Sir Stuart Alexander Donaldson, which will be placed in the Tower when completed.

11. Appended is an account of the Receipts and Expenditure of the University during the year.

The foregoing Report was adopted at a meeting of the Senate held on the 4th June, 1862, and ordered to be transmitted to the Honorable the Colonial Secretary, for presentation to the Governor and Executive Council and the Parliament, in pursuance of the 22nd section of the Act of Incorporation, 14 Vict., No. 31.

HUGH KENNEDY,

Registrar.

APPENDIX I.

BY-LAW.

The Senior Professor of Classics, the Senior Professor of Mathematics, and the Senior Professor of Chemistry and Experimental Physics, shall be "ex officio" members of the Senate, under the provisions of the Sydney University Incorporation Act Amendment Act of 1861.

ACCOUNT

ACCOUNT of the RECEIPTS and EXPENDITURE of the UNIVERSITY OF SYDNEY, from the 1st January to the 31st December, 1861.

RECEIPTS.			EXPENDITURE.		
ENDOWMENT FUND.			ENDOWMENT FUND.		
	£	s. d.		£	s. d.
Received amount of Endowment from Government, under Act of Incorporation ..	5,000	0 0	Paid for Salaries, Charges for Printing, Stationery, and Sundry Expenses ..	4,552	17 5
.. Lecture Fees from Students, after paying Professors their shares ..	325	9 0	.. Furniture	104	0 0
.. B.A., M.A., and other Fees	74	0 0	.. Petty Cash	20	0 0
.. for Pasturage	85	0 0	.. University Scholarships	262	10 0
.. Interest on Debentures (Government) invested on account of Scholarships under Private Foundations	133	17 8	.. Debentures for "Barker" Scholarship	700	0 0
.. Rent of Newtown Property (Deas Thomson's Scholarship), less for painting, repairs, &c.	110	7 10	.. one Debenture for "Salting" Exhibition	100	0 0
Balance in Commercial Bank, 31st December, 1860	1,219	4 11	.. Scholarships under Private Foundations	243	4 9
			.. Fencing, Levelling, Laying out Grounds, &c	600	0 0
TOTAL RECEIPTS, ENDOWMENT FUND	£	6,947 19 5	TOTAL EXPENDITURE, ENDOWMENT FUND	£	6,532 12 2
			Balance in Commercial Bank, 31st December, 1861	365	7 3
			£	6,947 19 5	
BUILDING FUND.			BUILDING FUND.		
Balance in Commercial Bank, 31st December, 1860	13	3 0	Paid for Building purposes (carving) during the year	10	0 0
TOTAL RECEIPTS	£	6,961 2 5	Balance in Commercial Bank, 31st December, 1861	3	3 0
			£	6,961 2 5	

GEOFFREY EAGAR, Auditor.
4th March, 1862.

WILLIAM CLARK, Accountant.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

UNIVERSITY OF SYDNEY.
(BUILDING FUND ACCOUNT FOR 1861.)

Ordered by the Legislative Assembly to be Printed, 10 July, 1862.

RETURN shewing the Amount expended on the BUILDING of the UNIVERSITY of SYDNEY,
during the Year ended 31st December, 1861.

(Act of Council, 17 Vict., No. 28, sec. 3.)

RECEIPTS.		EXPENDITURE.	
	£ s. d.		£ s. d.
Balance in the Commercial Bank on the 31st December, 1860	13 3 0	Paid for Stone Carving during the year.....	10 0 0
		Balance in the Commercial Bank on the 31st December, 1861	3 3 0
	£ 13 3 0		£ 13 3 0

HUGH KENNEDY,
Registrar.

University, 16 June, 1862.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ASYLUMS FOR THE DESTITUTE.
(CORRESPONDENCE.)

Ordered by the Legislative Assembly to be Printed, 2 July, 1862.

SCHEDULE.

NO.	PAGE.
1. The Honorary Secretary to the Benevolent Society to the Colonial Secretary, applying for a payment from the Colonial Treasury in aid of the Funds of the Society. 21 February, 1862	3
2. Under Secretary to the Honorary Secretary, referring to the Report of the Select Committee of the Legislative Assembly, appointed to inquire into the adequacy of the provision made for the Destitute through the instrumentality of the Benevolent Society, and communicating the arrangement made and proposed for relieving the Infirm and Destitute, and for managing the expenditure for which provision is made out of the Public Revenue. 23 February, 1862	3
3. The Honorary Secretary to the Colonial Secretary, forwarding a copy of a Resolution of the Society, respecting the overcrowded state of the Liverpool Institution. 28 February, 1862	4
4. The Under Secretary to the Honorary Secretary, in reply. 28 February, 1862	4
5. Under Secretary to the Registrar General, notifying the appointment of a Board (of which he is named as Chairman) for managing the expenditure provided for from the Public Revenue, incurred in the support of the Infirm and Destitute. 3 March, 1862	6
6. Under Secretary to the Clerk of the Executive Council, Clerk of the Legislative Council, Collector of Customs, and Health Officer, notifying their appointment to be Members of the Board. 3 March, 1862	6
7. Under Secretary to the Honorary Secretary, in reply to his letter No. 1. 6 March, 1862	6
8. Under Secretary to the Honorary Secretary, intimating that the building at Parramatta would be ready on an early day for the reception of 150 men. 7 March, 1862	6
9. Ditto to ditto, in continuation. 7 March, 1862	6
10. The Honorary Secretary to the Colonial Secretary, forwarding copy of a Resolution of the Committee, stating the condition or guarantee on which they will continue their labours, on the terms proposed by the Government on the 25th February, No. 2. 10 March, 1862	6
11. Under Secretary to Honorary Secretary, respecting the transfer of people from the Liverpool to the Parramatta Institution, and the intention of the Government to resume the buildings at the former place. 13 March, 1862	6
12. Ditto to ditto, in reply to his letter of 10 March, respecting guarantee for out-door relief to the Poor. 13 March, 1862	7
13. Under Secretary to the Board of Management, notifying the appointment of Dr. Greenup to be a Member of the Board, and other arrangements connected with the establishments at Parramatta and Liverpool. 13 March, 1862	7
14. The Honorary Secretary to the Colonial Secretary, forwarding copy of a Resolution of the Committee respecting out-door relief to the Poor. 19 March, 1862	8
15. Under Secretary to the Honorary Secretary, in reply. 20 March, 1862	8

16. The Honorary Secretary to the Colonial Secretary, enclosing a copy of a Resolution of the Committee, intimating their intention to discontinue affording out-door relief. 27 March, 1862	8
17. Under Secretary to the Honorary Secretary, in reply to No. 16. 31 March, 1862	9
18. The Honorary Secretary to the Colonial Secretary, forwarding copy of a Resolution of the Committee to continue to give out-door relief for the present. 9 April, 1862	9
19. Ditto to ditto, on the same subject. 10 April, 1862	10
20. The Honorary Treasurer, Benevolent Society, to the Colonial Secretary, enclosing statement of expenditure on the Liverpool building, and of sums claimed by the Society. 10 April, 1862	10
21. The Honorary Secretary to the Colonial Secretary, respecting the admission to the Asylum, under their direction, of Women and Children, in certain cases. 22 April, 1862	11
22. The Under Secretary to the Honorary Secretary in reply. 6 May, 1862	11
23. The Honorary Secretary to the Colonial Secretary, respecting the alterations and communications of the Government, and advertng to the services of the Society. 15 May, 1862	12
24. Ditto to ditto, requesting the payment of money alleged to be due to the Society. 22 May, 1862	17
25. Under Secretary to the Honorary Secretary, intimating, with reference to a former letter (No. 22), that the Government will pay for certain Women and Children admitted into the Asylum. 7 June, 1862	17
26. Ditto to ditto, in reply to his letter of 22 May, stating the view taken of the claim to the payment alluded to (No. 24). 17 June, 1862	17

ASYLUMS FOR THE DESTITUTE.

No. 1.

HONORARY SECRETARY, BENEVOLENT SOCIETY, to COLONIAL SECRETARY.

*Benevolent Asylum,
Sydney, 21 February, 1862.*

SIR,

I have the honor to inform you that I have been directed by the Committee of the Benevolent Society of New South Wales to request that His Excellency the Governor-in-Chief will be pleased to give the necessary instructions that a warrant may be issued for payment to the Secretary of this Institution of the sum of three thousand and eighty-three pounds, ten shillings and seven-pence, being the first quarter's moiety of twelve thousand three hundred and thirty-four pounds, two shillings and four-pence, voted by Parliament in aid of the funds of the Society, for the year 1862.

As the funds are now exhausted, and the bills becoming due at the end of this month will soon require to be paid, the Directors will feel obliged if the necessary warrant is obtained as soon as convenient.

I have also the honor to transmit herewith a list of voluntary subscriptions, donations, and collections in Churches, for this Society, for the year 1861, amounting to £1,167 10s. 8d.—say one thousand one hundred and sixty-seven pounds, ten shillings and eight-pence, duly certified by the Honorary Treasurer.

Six copies of the Report for the year 1861 accompany this.

I have, &c.,

GEORGE ALLEN,

Honorary Secretary.

No. 2.

THE UNDER SECRETARY to HONORARY SECRETARY, BENEVOLENT SOCIETY.

*Colonial Secretary's Office,
Sydney, 25 February, 1862.*

SIR,

I am directed by the Colonial Secretary to inform you, that in consequence of the Resolutions passed by the Legislative Assembly adopting the Report of the Select Committee appointed on 27th September last, to inquire into the adequacy of the provision made for the destitute through the instrumentality of the Sydney Benevolent Society, the Government has had the subject under serious consideration.

2. It is not necessary that Mr. Cowper should recapitulate the steps which have been taken in concert with the Committee of the Sydney Benevolent Society since the adoption of the Report; but owing to the over-crowded state of the buildings at the south end of Sydney, and in Liverpool, to which attention is pointedly drawn in the Report, the Government has felt compelled to provide additional buildings for those men and women who have been received into them.

3. In the Immigration Barracks, Hyde Park, two hundred women can be accommodated, and in the buildings on the Parramatta Wharf, nearly as many men.

The Government is now ready to take this number of females from the Sydney Institution; and the Colonial Architect states, that within about ten days he will have the Parramatta building sufficiently repaired for the reception of the same number of men from Liverpool.

4. The Government therefore proposes to resume the building at Liverpool, and for the future to take the entire charge of the inmates of this building, and of the two specified in the last paragraph.

5. For the present, and until other arrangements are made, the same contractors as are now supplying provisions, under engagements with the Society, can continue to furnish them for these establishments; but the Government will appoint, without delay, a Board composed altogether of public officers, to whom the business will be intrusted, as well as the entire care and management of the persons provided for in them, and who will, from a day to be hereafter named, alone decide upon all applications for admission subsequently to that date.

6.

6. It is proposed that the children, numbering according to the Report, 124, should still remain at the existing Sydney Asylum, together with those women who are lying-in; the whole expense being, as now, paid by the Government.

7. The applicants for out-door relief should continue to be dealt with entirely by the Committee of the Society—this being a branch of the subject with which it is considered that the Government ought not, under any circumstances, to interfere. There will, however, be no objection to propose to Parliament that the amount contributed by private subscriptions, for relieving out-door objects of charity, should, if necessary, be supplemented in the same manner as grants in aid are made in other cases.

8. As the present juncture would appear to be a favorable time for introducing a new mode of distributing the funds annually appropriated from the Public Revenue for the support of the infirm and the destitute, I am desired to state that it is intended to bring the general question under the consideration of the Legislature during the ensuing Session, after the subject has been maturely considered.

9. I am directed to add, that the Government does not contemplate the withdrawal of any portion of the fines and other funds placed by law at the disposal of the Society, or of interfering in any respect with the building in South Sydney belonging to the Institution.

I have, &c.,
W. ELYARD.

No. 3.

HONORARY SECRETARY, BENEVOLENT SOCIETY, to COLONIAL SECRETARY.

*Benevolent Asylum,
Sydney, 28 February, 1862.*

SIR,

I have the honor, by direction of the Committee of the Benevolent Society, to transmit to you the accompanying copy of a Resolution passed yesterday, at an adjourned special meeting of that body, urgently representing the frightfully overcrowded state of the Liverpool Institution, and expressing their earnest hope that arrangements may be forthwith made to enable them to provide for its immediate relief.

It may not be superfluous to state, that there are at present 402 inmates in the Institution, while proper sanitary accommodation only exists for 250; it is obvious therefore, that the case is one demanding the earliest attention of the Government.

I have, &c.,
GEORGE ALLEN,
Honorary Secretary.

[Enclosure in No. 3.]

COPY Resolution of an Adjourned Special Meeting of the Committee of the Benevolent Society.

27 February, 1862.

"That an urgent representation be made to the Honorable the Colonial Secretary, as to the frightfully overcrowded state of the Liverpool Institution, with the expression of an earnest hope that arrangements may be forthwith made to enable the Committee to provide for its immediate relief."

No. 4.

THE UNDER SECRETARY to HONORARY SECRETARY, BENEVOLENT SOCIETY.

*Colonial Secretary's Office,
Sydney, 28 February, 1862.*

SIR,

I am directed by the Colonial Secretary to acknowledge the receipt of your letter of yesterday's date, enclosing a copy of a Resolution passed by the Committee of the Benevolent Society, representing the overcrowded state of the Asylum at Liverpool, and to refer you to the communication which was addressed to you from this Office, on the subject, on the 25th instant.

I have, &c.,
W. ELYARD.

No. 5.

No. 5.

THE UNDER SECRETARY to REGISTRAR GENERAL.

*Colonial Secretary's Office,
Sydney, 3 March, 1862.*

SIR,

I am directed by the Colonial Secretary to inform you, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to appoint a Board, consisting of yourself as Chairman, and the officers named in the margin, for managing the expenditure incurred in the support of the infirm and destitute, and for which provision is made out of the Public Revenue.

The Clerk of the
Executive Council;
The Clerk of the
Legislative
Council;
The Collector of
Customs;
The Health
Officer.

2. For the information of the Board, as explaining the views of the Government and the arrangements proposed, I am desired to transmit a copy of a Minute of the Executive Council on the subject, together with the copy of a letter which was, in accordance therewith, addressed to the Honorable George Allen, the Honorary Secretary to the Benevolent Society, on the 25th ultimo.

3. A Board Room, for holding meetings, will be provided in the Immigration Barracks, and Mr. Cowper will be glad to be favored with any suggestions which the Board may have to offer in reference to the duties devolving upon them.

4. As soon as the Colonial Secretary is better informed regarding the views of the Committee of the Benevolent Society, he will communicate further with the Board, and when the building in Parramatta is ready, he will intimate what steps it will be necessary to take for providing properly for the care of the inmates of it. Mr. Cowper proposes then to add Dr. Greenup to the Board, as he is resident on the spot, and is willing to give his cordial co-operation.

I have, &c.,

W. ELYARD.

No. 6.

THE UNDER SECRETARY to CLERK OF THE EXECUTIVE COUNCIL.

*Colonial Secretary's Office,
Sydney, 3 March, 1862.*

SIR,

I am directed by the Colonial Secretary to inform you, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to appoint the officers named in the margin, including, as you will observe, yourself, to be a Board for managing the expenditure incurred for the support of the infirm and destitute, and for which provision is made out of the Public Revenue.

The Registrar
General;
The Clerk of the
Executive Council;
The Clerk of the
Legislative
Council;
The Collector
of Customs;
The Health
Officer.

2. The Registrar General has been named as Chairman of the Board; and by desire of the Colonial Secretary, a communication, which will of course be laid before you, has been made to him on the subject of this arrangement.

I have, &c.,

W. ELYARD.

Similar letter to—

The Clerk of the Legislative Council;
The Collector of Customs;
The Health Officer.

No. 7.

THE UNDER SECRETARY to HONORARY SECRETARY, BENEVOLENT SOCIETY.

*Colonial Secretary's Office,
Sydney, 6 March, 1862.*

SIR,

With reference to your letter of the 21st ultimo, requesting the issue of a sum of £3,083 10s. 7d. from the amount voted in aid of the Benevolent Society, I am directed by the Colonial Secretary to inform you, that under existing circumstances it is considered that the payment should be limited to two-thirds of that sum, or a round sum to cover that amount, and that application has therefore been made to the Treasury for the payment to you of £2,100.

I have, &c.,

W. ELYARD.

No. 8.

No. 8.

THE UNDER SECRETARY to HONORARY SECRETARY, BENEVOLENT SOCIETY.

*Colonial Secretary's Office,
Sydney, 7 March, 1862.*

SIR,

With reference to the third paragraph of my letter of the 25th ultimo, I am directed by the Colonial Secretary to inform you that, on an early day next week, the building at Parramatta will be ready for the reception of one hundred and fifty men.

I have, &c.,
W. ELYARD.

No. 9.

THE UNDER SECRETARY to HONORARY SECRETARY, BENEVOLENT SOCIETY.

*Colonial Secretary's Office,
Sydney, 7 March, 1862.*

SIR,

With reference to my former letter of this date, apprising you that the building at Parramatta will be ready for the reception of one hundred and fifty men early next week, I am directed by the Colonial Secretary to transmit to you a list of articles which will be required for the Establishment, and to request that you will have the goodness to state, for Mr. Cowper's information, whether any, and if so, which of them can be transferred to Parramatta.

I have, &c.,
W. ELYARD.

No. 10.

HONORARY SECRETARY, BENEVOLENT SOCIETY, to COLONIAL SECRETARY.

*Benevolent Asylum,
Sydney, 10 March, 1862.*

SIR,

In reference to the communication dated 25th February last, I have the honor to inform you that I have been instructed by the Committee of the Benevolent Society to transmit the accompanying copy Resolution.

I have, &c.,
R. ANDERSON,
Pr. Secretary.

[Enclosure in No. 10.]

*COPY Resolution of Adjourned Special Meeting of General Committee of Benevolent Society.**6 March, 1862.*

"That until proper legislative action be taken in the matter referred to in the 7th paragraph of the communication from the Honorable the Colonial Secretary, this Committee will consent to continue their labours, upon the terms proposed by the Government, provided that, if the funds at the disposal of the Committee for the purpose should prove insufficient, the deficiency shall be guaranteed by the Government."

No. 11.

THE UNDER SECRETARY to HONORARY SECRETARY, BENEVOLENT SOCIETY.

*Colonial Secretary's Office,
Sydney, 13 March, 1862.*

SIR,

With reference to my letter of the 7th instant, I am directed by the Colonial Secretary to intimate to you that, as therein stated, the building at Parramatta will be ready immediately for occupation by a portion of the poor at present in the Liverpool Establishment, and that the Government has determined to resume possession of the building at Liverpool.

2. As Mr. Mulholland is considered an improper person to be continued in charge of the Institution, the Colonial Secretary does not intend to employ him in that capacity.

3. I am further to inform you, that the Board recently appointed by the Government have been instructed to make the necessary arrangements for the transfer, as speedily as possible, from Liverpool to Parramatta, of a moiety of the inmates of the Establishment at the former; and that it is expected that everything will be completed and in readiness for making this transfer on Tuesday next.

The Board will also be prepared to take over the Liverpool Establishment on Monday, and to place in charge of it Mr. and Mrs. Burnside, the new Master and Matron.

I have, &c.,
W. ELYARD.

No. 12.

No. 12.

THE UNDER SECRETARY to HONORARY SECRETARY, BENEVOLENT SOCIETY.

*Colonial Secretary's Office,
Sydney, 13 March, 1862.*

SIR,

I am directed by the Colonial Secretary to acknowledge the receipt of your letter of the 10th instant, enclosing a copy of a Resolution of the General Committee of the Benevolent Society, stating that, until some legislative action can be taken, the Committee will consent to continue their labors in the manner proposed in my communication of the 25th ultimo, provided that if the funds at the disposal of the Committee for the purpose should prove insufficient, the deficiency should be guaranteed by the Government.

2. In reply I am desired to inform you that, while the Government is not prepared to give any guarantee with reference to any particular amount to be expended for out-door relief, the application of the Committee for funds in excess of those usually given in aid of private subscriptions will be favorably entertained. It is, however, only right that the Committee should be apprized that, in acceding to requests for relief, it will be expected that the greatest care is taken that assistance is not given until, by due inquiry, the Committee is satisfied that improper objects are not allowed to impose upon the Society.

I have, &c.,

W. ELYARD.

No. 13.

THE UNDER SECRETARY to BOARD OF MANAGEMENT.

*Colonial Secretary's Office,
Sydney, 13 March, 1862.*

GENTLEMEN,

I am directed by the Colonial Secretary to inform you that, with the advice of the Executive Council, His Excellency the Governor has been pleased to appoint Dr. Greenup to be a Member of the Board for the Management and Superintendence of the Expenditure from the Public Revenue for the Infirm and Destitute, and that being a resident in Parramatta, he will be enabled to give valuable co-operation in personally superintending the Establishment at that place.

2. As the arrangements are now nearly completed for taking charge of the Liverpool Establishment, Mr. Cowper will be glad that, as speedily as possible, a moiety (or thereabouts, as the Board may upon consideration determine) of the inmates be transferred to the Parramatta building.

3. The Colonial Treasurer has been requested to supply, without delay, all such articles as Dr. Greenup has already informed the Colonial Secretary are necessary, and he has reason to believe that they will be ready by Monday next.

4. Mr. James Dennis and his wife have been appointed Master and Matron of the Parramatta Establishment, and Mr. and Mrs. Burnside Master and Matron of the Liverpool Establishment. The salary of the Master in each case is fixed at £150 per annum, and of the Matron at £50 per annum.

5. Dr. Pringle has been appointed to the medical charge of the Parramatta Establishment, with an allowance of £75 per annum; and the sum of £50 per annum has been authorized as an additional allowance to Mr. Austin, the Dispenser of the Parramatta Gaol, in remuneration for his acting also as Dispenser to the Parramatta Establishment.

6. You are authorized to engage a cook and such other servants or attendants as may be considered absolutely necessary, and in reference to which Dr. Greenup has already been in communication with the Colonial Secretary.

7. After ascertaining how existing contracts may stand affected, I am desired to request that you will give all necessary directions for the supply, by the proper contractors, of those articles which form the ration for the inmates.

8. I am directed to add, that the Colonial Secretary does not intend to take over Mr. Mullholland with the Liverpool Establishment, he being, in his opinion, not a proper person to hold the office of Master there; and the Honorary Secretary to the Society has been apprized that the Board will be prepared to take over the building at that place on Monday next, and to place in charge of it Mr. and Mrs. Burnside, the new Master and Matron.

I have, &c.,

W. ELYARD.

ASYLUMS FOR THE DESTITUTE.

No. 14.

HONORARY SECRETARY, BENEVOLENT SOCIETY, to COLONIAL SECRETARY.

*Benevolent Asylum,
Sydney, 19 March, 1862.*

SIR,

I have the honor, by direction of the Committee of the Benevolent Society, to transmit to you copy of a Resolution of that body, in reference to their responsibility of continuing to dispense out-door relief upon the terms specified in your communication, dated 13th current, to which I beg to call your attention, and to request the favor of an early reply.

I have, &c.,
GEO. ALLEN,
Honorary Secretary.

[Enclosure in No. 14.]

COPY Resolution of a Special Meeting of the General Committee of the Benevolent Society, held 18th March, 1862.

"THE Committee of the Benevolent Society having taken into consideration the Colonial Secretary's letter of the 13th instant, Resolve that it is not expedient to undertake the responsibility of dispensing out-door relief upon the terms therein set forth; but, at the same time, to prevent the suffering of the poor which would otherwise ensue, they express their willingness to continue this portion of their duty upon the terms contained in the Resolution of the Committee, forwarded on the 10th instant to the Colonial Secretary, but only until the matter can be otherwise provided for."

No. 15.

THE UNDER SECRETARY to HONORARY SECRETARY, BENEVOLENT SOCIETY.

*Colonial Secretary's Office,
Sydney, 20 March, 1862.*

SIR,

I am directed to acknowledge the receipt of your letter of the 19th instant, transmitting a copy of a Resolution of the Committee of the Benevolent Society, respecting their continuing to dispense out-door relief, on the subject of which a communication was made to you on the 13th of this month, and to inform you that the Colonial Secretary is unable to make any alteration in the purport of the reply already given to a former Resolution which was enclosed in your letter of the 13th instant.

I have, &c.,
W. ELYARD.

No. 16.

HONORARY SECRETARY, BENEVOLENT SOCIETY, to COLONIAL SECRETARY.

*Benevolent Asylum,
Sydney, 27 March, 1862.*

SIR,

By direction of the Committee of the Benevolent Society of New South Wales, I have the honor to transmit copies of two Resolutions passed at a Meeting of that body held yesterday.

I have, &c.,
GEORGE ALLEN,
Honorary Secretary.

[Enclosure in No. 16.]

COPY Resolutions passed at Special Meeting of General Committee of Benevolent Society of New South Wales, 26 March, 1862.

"1. That, after the 9th day of April next, all out-door relief be discontinued by this Institution, and that notice thereof be forthwith advertised in the daily papers, and no new cases be entertained in the interim.

"2. That a copy of the above Resolution be transmitted to the Colonial Secretary, in answer to his communication of the 20th current."

No. 17.

THE UNDER SECRETARY to HONORARY SECRETARY, BENEVOLENT SOCIETY.

*Colonial Secretary's Office,
Sydney, 31 March, 1862.*

SIR,

I am directed by the Colonial Secretary to acknowledge the receipt of your letter of the 27th instant, transmitting copies of two Resolutions passed on the previous day, by the Committee of the Benevolent Society, intimating the intention of the Committee to discontinue out-door relief after the 9th of next month. This Resolution is understood to have been agreed to with reference to former Resolutions, and the letter addressed to you from this office on the subject of the arrangement for providing more effectually for the relief of the poor and infirm.

2. Mr. Cowper desires me, in reply, to express his regret that any misapprehension should exist in the minds of the Committee upon the subject of this correspondence; and he cannot but suppose that there is some misapprehension, or a demand would not now be made differing from any hitherto advanced by the Committee of the Benevolent Society.

3. The Colonial Secretary understood from Mr. Deas Thomson and yourself, when you both waited upon him as a deputation, with reference to the Resolution passed on the 18th instant, that the probable receipts and expenditure of the Society, during the year, might be estimated as follows, viz. :—

RECEIPTS.

Poundages and Fines	£500
Subscriptions and Collections in Churches	500
An equal amount to these Contributions from the Public Revenue	500
Bequests, Legacies, &c.	500
Total.....	£2,000

This estimate was considered as rather under the amount which might be calculated on.

EXPENDITURE.

The sum named was £2,600, but it was also stated that, by a more stringent administration than had hitherto prevailed, that amount might possibly be reduced. It was during the interview also urged by yourself, that the Society would have a claim for at least £3,000, in reimbursement of their outlay upon the buildings at Liverpool, under the terms of the arrangement by which those premises were lent to the Institution.

4. Mr. Cowper is therefore wholly at a loss to understand why the Committee should now, for the first time, insist upon an unlimited and unconditional guarantee, when the Government has just relieved the Society from its heaviest responsibilities, and when there seems, according to their own shewing, no risk requiring to be provided against.

5. In the letter addressed to you on the 25th ultimo, the Society was informed that the whole cost of maintaining the children and the lying-in women in the Institution would be paid, and that all other patients would be provided for in the Government buildings.

6. The out-door relief, it was distinctly stated, could not be administered by the Government, and in that opinion the Colonial Secretary is strengthened by further consideration; whereas the object of those who established the Benevolent Society was mainly, if not exclusively, to collect and disburse funds for such purposes.

7. The stand which the Committee have now made is indicative of a want of confidence in the charitable spirit of the community and the justice of the Legislature, which Mr. Cowper is sorry to see displayed, after the consideration invariably shewn to applications made to the Government, from year to year, by the Society.

8. The Colonial Secretary hopes, however, notwithstanding the intimation contained in your communication of the intention of the Committee to discontinue out-door relief, that a working quorum will be found out of the thirty-six members of the Committee prepared to carry out the benevolent intentions of the founders of the Society; and Mr. Cowper desires to add the expression of his willingness, as a member of the Committee, to assist in keeping alive an Institution which has in years past accomplished so much good, and which is so honorable a record of the philanthropic spirit and Christian feeling of those with whom it originated.

I have, &c.,
W. ELYARD.

No. 18.

HONORARY SECRETARY, BENEVOLENT SOCIETY, to COLONIAL SECRETARY.

*Benevolent Asylum,
Sydney, 9 April, 1862.*

SIR,

I have the honor to inform you, that the Resolution of which the following is a copy, was unanimously passed at the Quarterly Meeting of this Society's Committee held yesterday.

129—B

“ That

"That the Committee of the Benevolent Asylum continue for the present to dispense
"out-door relief as heretofore, and to advertise the same in the two daily newspapers."

I have, &c.,
R. ANDERSON,
Pr. Secretary.

No. 19.

HONORARY SECRETARY, BENEVOLENT SOCIETY, to COLONIAL SECRETARY.

Benevolent Society,
Sydney, 10 April, 1862.

SIR,

In reference to my communication of yesterday's date, I have the honor to transmit the following copy of a second Motion which was also carried unanimously at the Quarterly Meeting of the Committee on the 8th current, so as you may be put in possession of all that was done in reference to the matter of out-door relief.

"That without coming to any decision upon the points raised in the Colonial Secretary's letter of the 31st March, the Committee do continue the out-door relief to the poor, until the decision of the Legislature, as to future grants of the Society shall be known; and that a Sub-Committee, consisting of the following—

"The President,
"The Vice President,
"Archdeacon M'Encroe,
"Rev. John Dougall,
"Rev. Canon Walsh, and
"Maurice Alexander, Esq.,

"be appointed to draw up an answer to the Colonial Secretary's letter,
"with reference to all the former correspondence on the subject."

I have, &c.,
R. ANDERSON,
Pr. Secretary.

No. 20.

HONORARY TREASURER, BENEVOLENT SOCIETY, to COLONIAL SECRETARY.

Benevolent Asylum,
Sydney, 10 April, 1862.

SIR,

In terms of a Resolution of the Committee of the Benevolent Asylum of New South Wales, I have the honor to transmit an account of the money expended on the buildings at Liverpool, under the terms of the arrangement by which the premises were held by the Society from Government, namely, that all outlay was to be reimbursed when possession was resumed.

I have also been directed to send a note of the balance due by the Society to the Treasurer, for the Investment Fund.

The following is a statement of all sums now due, amounting to five thousand and thirty-eight pounds and two-pence, which I respectfully beg leave to request the Government will be kind enough to give the necessary instructions, that the same may be reimbursed to the Society as early as convenient :—

STATEMENT.

	£	s.	d.	£	s.	d.
Sum expended on buildings at Liverpool, as per account	1,601	3	7			
Balance due to Treasurer, as exhibited in Account passed at last Meeting, for Quarter ended 31 March	3,306	16	7			
Sums due for flour, &c.; the accounts for which the Committee have not yet been able to obtain, say	130	0	0			
				5,038	0	2

I have, &c.,
M. ALEXANDER,
Honorary Treasurer.

P.S.—There are various repairs and alterations now going forward in the Sydney Institution, the expense of which cannot be ascertained till finished, but which may amount to about £300.

[Enclosure

ASYLUMS FOR THE DESTITUTE.

11

[Enclosure in No. 20.]

STATEMENT of Sums expended by the Benevolent Society of New South Wales, on Improvements and Repairs to the Institution at Liverpool, belonging to Government, of which they resumed possession on 16 March, 1862.

		£	s.	d.
1852.				
10 January	Paid Thos. Munro, for repairs to Liverpool Institution	138	6	1
1854.				
10 June	J. M'Grath, on account of building and repairs at Liverpool Institution	60	0	0
24 "	Ditto, ditto	111	12	0
3 July	Josiah Portmore, for lime	4	7	0
20 "	J. M'Grath, further on account of building and repairs	70	0	0
31 "	Ditto ditto	60	0	0
26 August	Ditto ditto	100	0	0
22 September	Ditto ditto	100	0	0
2 November	Ditto ditto	100	0	0
11 December	Ditto ditto	60	0	0
31 "	Ditto ditto	40	0	0
1855.				
10 January	Ditto ditto	260	13	6
31 March	Ditto ditto	20	0	0
2 May	Ditto ditto	30	0	0
31 "	Ditto ditto, balance	90	8	0
1 April	Charles Beal, for stairs	34	0	0
26 December	James Whitney, for timber	9	16	0
1857.				
22 October	John Strongfellow, for bricks	7	12	0
31 "	Scott and Jolly, for timber for repairs	17	0	6
1858.				
22 March	Ditto ditto	9	16	10
1859.				
1 May	Ditto ditto	6	4	6
1 "	Charles Beal, ditto	8	15	0
1860.				
18 September	M. Montova, repairing roof of dining room—galvanized iron	74	0	0
7 November	Ditto new roof to shed	30	0	0
1861.				
6 January	Charles Beal, for timber for repairs	5	4	9
29 "	Expense of laying pipes for conducting water from Reservoir at Railway Station to Institution	141	13	1
31 March	Charles Beal, for wood for new shed	3	15	10
30 December	John Simpson, for stones to repair yard	15	5	0
	Charles Beal, for boards and planks for repairs	7	13	6
		£1,601	8	7

E. & O. E.
Sydney Benevolent Asylum,
10 April, 1862.

No. 21.

HONORARY SECRETARY, BENEVOLENT SOCIETY, to COLONIAL SECRETARY.

Benevolent Asylum,
Sydney, 22 April, 1862.

SIR,

I have the honor to inform you that I have been requested to make a representation to you of the following class of cases, which frequently come before the Committee, recommended for admission into the Asylum.

Of late several applications of a very distressing nature have been made by poor women, in a state of utter destitution, having one, two, and three children, without a home, and totally unprovided for, whom, from the terms of your communication, dated 25th February last, the Committee were obliged to reject, considering themselves restricted to the reception of women only for *lying-in*.

The Committee will therefore feel much obliged if you will have the kindness to inform them if admission may be extended to cases of the nature above referred to, in such instances as the Committee may deem the applicants to be objects really requiring and worthy of relief.

I have, &c.,
GEORGE ALLEN,
Honorary Secretary.

No. 22.

THE UNDER SECRETARY to HONORARY SECRETARY, BENEVOLENT SOCIETY.

Colonial Secretary's Office,
Sydney, 5 May, 1862.

SIR,

In acknowledging the receipt of your letter of the 22nd ultimo, inquiring whether women with children, who are in a state of destitution, can be admitted into the Benevolent Asylum, I am directed by the Colonial Secretary to inform you, that the Board at Hyde Park will admit into the Asylum at that place, such women as may, in their opinion, be really infirm and destitute, but that they cannot provide for the children.

I have, &c.,
W. ELYARD.

No. 23.

No. 23.

HONORARY SECRETARY, BENEVOLENT SOCIETY, to COLONIAL SECRETARY.

*Benevolent Asylum,
Sydney, 15 May, 1862.*

SIR,

25 Feb., 1862.
13 March, 1862.

Referring to the letter from your office of the 31st March last, and the previous correspondence relative to the transfer to the Government of those portions of the duties hitherto devolving on the Benevolent Society in connection with the in-door relief of the poor,—I have the honor, by direction of the General Committee of the Institution, to make to you the following observations:—

2. The Committee do not dispute the right of the Government to adopt the course they have taken in reference to this matter, seeing the very large and increasing proportion which the public funds contributed to the support of the Institution bear to those raised by private subscription; but they conceive that they have some right to complain of the time which was chosen for this purpose, and the abrupt manner in which, by the letter from your office of 25th February last, their duties in respect to in-door relief were brought to a close, without one word of acknowledgment of the assistance which, for many long years, had been gratuitously rendered to the Government, in the administration of the funds placed at the disposal of the Society for this purpose.

3. It may be remarked, also, that this resolution seems to have been suddenly adopted, just at the time when negotiations with the Government were pending for placing the Society in possession of the additional accommodation which was deemed absolutely requisite for the relief of the frightfully overcrowded establishment at Sydney and Liverpool, and when arrangements had already been completed for the appropriation of a new site at Randwick, on which it was proposed, with the funds which the Society will be able to command, amounting probably to £30,000, to erect an entirely new range of buildings.

The matter had, in fact, been so far matured, that a Sub-Committee of the Society, consisting of the President, Vice-President, Treasurer, the Honorable Charles Cowper, the Venerable Archdeacon M'Enroe, and the Rev. Canon Walsh, had been appointed to carry into effect all the necessary arrangements for proceeding with the building at Randwick.

4. The Committee felt that the adoption of this step, so soon after the report of the Select Committee of the Legislative Assembly was published, might naturally lead to the inference that the circumstances disclosed in the course of the investigation had induced the Government to take out of the hands of the Society the future management of this branch of their duties,—an implication to which the Committee consider they ought not to have been exposed, and which might have been easily avoided if justice had been done to their anxious desire to administer the whole of the affairs of the Society in the manner best calculated to promote the charitable objects of its institution, as well as to economize, as far as possible, the funds applicable to the purpose.

5. If, for some time past, the accommodation in the Asylms at Sydney and Liverpool was altogether inadequate for the number of the inmates, the Committee cannot impute the blame to themselves. They need scarcely recall to your recollection the representations which have been made during the last few years, to the Government, of the over-crowded state of the buildings at both places, and of the absolute necessity which existed for providing, with as little delay as possible, for their relief. A reference to the records of your office will abundantly show how frequent and urgent have been the applications of the Committee on this subject.

See letters from
the Secretary of
the Institution
to the Colonial
Secretary, of—
20 Oct., 1856.
July, 1859.
14 March, 1860.
20 Oct., 1860.
10 Oct., 1861.
15 Oct., 1861.
22 Novem., 1861.
7 Decem., 1861.
28 Feb., 1862.

6. The Committee desire to express their regret that, in the letter from your office of the 13 March, you have thought proper to direct the following observation to be addressed to them,—“It is, however, only right that the Committee should be apprized that, in “acceding to requests for relief, it will be expected that the greatest care is taken that “assistance is not given until, by due inquiry, the Committee is satisfied that improper “objects are not allowed to impose upon the Society.”

7. The Committee must repel the imputation which is thus gratuitously cast upon them. They fearlessly assert that the utmost care has at all times been taken to ascertain, by due inquiry, whether the applicants for relief were really proper objects of charity, and to reject all that were not strictly of this character. It is not to be denied that, amongst the 37,356 individuals who have received out-door relief since the foundation of the Society, some cases of imposition may have occurred, notwithstanding the utmost vigilance and care which have been exercised by the Committee in their investigation; but cases of this kind are unfortunately incident to every charity, however ably managed. From the nature of your remarks on this subject, it would almost seem that you were under the erroneous impression that all cases for relief are indiscriminately admitted by the Committee, without any investigation whatever; but, on the contrary, the practice of the Committee has invariably been to examine the applicants themselves, as well as to require one of the Officers of the Institution to visit them at their homes, in order to ascertain whether they were of the class deserving of relief. For instance, during the period of a year ended on the 19th March last, it appears by the visitor's book, that of 248 applications for out-door relief, 148 were absolutely struck off, and 23 reduced in allowance.

8. In the letter from your office of the 31st March, it is observed that you are “wholly at a loss to understand why the Committee should for the first time insist upon an “unlimited and unconditional guarantee, when the Government has just relieved the “Society from its heaviest responsibilities, and when there seems, according to their own
“showing

"showing, no risk requiring to be provided against." Further on you observe, that the stand which the Committee has now made is indicative of a want of confidence in the charitable spirit of the community and the justice of the Legislature.

9. The Committee desire me to observe, that under the altered circumstances of the case, arising from the action taken by the Government in respect to in-door relief, it was much feared that the private contributions which have hitherto been received towards the support of the Institution would be greatly diminished, if not entirely discontinued, whilst the fines and other funds placed by law at the disposal of the Society were of so casual and precarious a character that it was only reasonable that, in undertaking the gratuitous duty of dispensing out-door relief, they should be guaranteed by the Government against all personal responsibility. The Committee entirely deny having entertained any want of confidence in the justice of the Legislature. This could not have been the case, simply because it had already most liberally placed at the disposal of the Government a sufficient sum to enable it, if it saw fit, to give the Committee the required guarantee, but when this was refused, with a caution as to the manner in which the funds should in future be spent, they felt that they had no alternative but to request the Government to take the matter into its own hands. Subsequently, indeed, they were induced, as a temporary measure, until the decision of the Legislature as to future grants to the Society be known, to continue the administration of the funds for out-door relief; but principally from a consideration of the distress and misery which would have been caused to numerous and unfortunate families if it had been suddenly withdrawn. The Committee hope, however, that no time will be lost, when Parliament meets, in placing the whole matter upon a permanent and satisfactory basis.

10. As requested in your letter of 25th February, the Committee consented to continue to receive the lying-in women and children of the classes who have hitherto been admitted into the Asylum at Sydney. At the same time, as has been frequently pointed out to the Government, the relief of persons of this description is entirely foreign to the objects for which the Society was formed. It was only because there was no other Institution into which they could be received, and to avert the misery to which they would otherwise have been exposed, that the Committee were induced so far to relax their rules as to admit them; but if, as is now proposed by the Government, they are to constitute the only inmates of the Asylum, it becomes a question whether, consistently with law, the property held by the Society can be applied exclusively to a purpose of this kind. This is a matter which will require the intervention of Parliament, when the other questions relating to the Society are brought under its notice.

11. The Committee deem the present a fitting opportunity of briefly stating the services which have been rendered to the community by the Society, during the long period of forty-four years which have elapsed since its foundation in 1818. Without underestimating what has been done during the last few years by some of the local Institutions for the relief of the poor in their respective districts, it is not too much to say, that by far the principal part in what may not be inappropriately termed the administration of the Poor Laws of the Colony, has devolved on this Society. In order to exhibit in a clear and succinct form the general results of its principal operations, the Committee have caused to be prepared the accompanying Statement, shewing the amount received from the Military Chest, the Colonial Treasury, and private contributions, in each year; the annual amount of expenditure; and the number and average cost of in-door and out-door cases relieved in each year, with the totals under each head, during the period stated.

12. From this statement, it appears that the total expenditure of moneys passing through the hands of the several Treasurers of the Society has amounted to £205,113 1s. 1d.; of this sum £44,982 15s. 9d. was received from the Military Chest, £117,209 2s. 4d. from the Colonial Treasury, and £42,921 3s. from private contributions, exclusive of the sum of £10,549 6s. 6d. at the credit of the Investment Fund, partly arising from bequests and partly from the sale of land granted to the Society. The number of in-door cases relieved during the same period was 28,445. The average annual cost of each inmate varied according to the price of provisions, from a minimum of £5 1s. 4d. to a maximum of £21 8s. 3d. The average of 1861 was £15 17s. 2d., and for the whole period £12 14s. The number of families who received out-door relief was 6,226, comprising 37,356 individuals. The average cost of each family varied from a minimum of £1 11s. 6d. to £10 7s. The average of 1861 was £5 13s. 5d., and for the whole period £4 19s. 10d. The total number of persons of both kinds relieved by the Society has been 65,801.

13. It will readily be seen that the administration of the affairs of a Society involving details of so extensive and complicated a nature could not have been conducted, except at the expense of great personal labour and attention on the part of the successive members of the Committee. They unhesitatingly assert, that the self-imposed task which they undertook was executed with a singleness of purpose and zeal, which assured as much success to their efforts in furtherance of the objects of the Institution as they could reasonably have expected; and however lightly their services may be regarded by the Government, they are quite content with the consciousness of having, in the cause of charity, scrupulously performed, to the best of their ability, an important public duty.

I have, &c.,

GEORGE ALLEN,
Honorary Secretary.

[Enclosure

[Enclosure in No. 23.]

STATEMENT showing number of Individuals admitted and remaining in the House—Out-door Relief Cases—Sums received from the British and Colonial Treasuries—Fines from Benches—Private Contributions, &c.—Average Annual Cost of each Inmate and Out-door Relief Case—and Totals thereof, on account of the Benevolent Society of New South Wales, from the Year 1818 to the Year 1861, inclusive.

Year.	Admissions and remaining in House.		Average cost of each Inmate.	Total.	Out-door Relief.		Average cost of each Case.	Total.	Private Contributions.	From Colonial Government, Fines, &c.	From the British Treasury.	Total.	Remarks, &c.
	Admissions.	In House.			Families.	Individuals.							
1819	....	....	.....	.....	123	638	1 11 5	193 1 1	193 1 1	.....	.....	193 1 1	This appears to be from July, 1818, to June, 1819. Erection of Asylum commenced under Governor Macquarie.
1820	....	....	.....	.....	201	1,206	2 8 11	491 5 7	434 12 4	.....	.....	434 12 4	
1821	....	....	.....	.....	285	1,710	1 19 0	566 15 3	622 8 1	.....	.....	622 8 1	House opened for reception of Inmates on 12th October, 1821.
1822	86	86	7 7 3	633 3 6	27	162	1 19 9	54 13 3	470 5 6	200 0 0	.....	670 5 6	A number of out-pensioners received into House. Cannot ascertain cost of out-door relief—average same as last year.
1823	155	72	10 17 0	781 4 0	21	126	1 19 9	42 4 0	481 8 10	400 0 0	.....	881 8 10	
1824	93	93	10 16 7	1,007 2 9	23	138	1 19 9	45 14 3	389 5 8	615 8 10	.....	1,004 14 6	Ditto, ditto, out-door expenditure suppositious. Ditto, ditto, average number in House for year taken.
1825	105	105	13 10 8	1,421 0 0	12	72	1 19 9	23 17 0	405 19 7	1,025 8 6	.....	1,431 8 1	
1826	112	112	14 17 6	1,665 16 6	22	132	1 19 9	43 14 6	472 19 11	1,204 9 1	.....	1,677 9 0	Ditto, ditto, ditto.
1827	140	103	13 7 4	1,376 14 8	15	90	1 19 9	29 16 3	606 8 2	1,032 8 10	.....	1,538 17 0	Ditto, ditto, ditto.
1828	138	105	13 14 1	1,438 18 9	14	84	1 19 9	27 16 6	560 12 4	993 10 6	.....	1,554 2 10	Ditto, ditto, ditto.
1829	123	123	12 0 6	1,479 1 6	None.	None.	.....	.....	613 8 6	99 15 3	1,000 0 0	1,713 8 9	Balance of receipts, £234, carried to next year.
1830	144	127	15 8 10	1,961 0 10	None.	None.	.....	.....	708 19 6	120 19 11	1,800 0 0	2,129 19 5	Ditto, £165, ditto.
1831	147	147	9 6 7	1,371 7 9	7	42	1 19 9	13 18 3	836 18 0	49 8 0	450 0 0	1,385 6 0	Prices of bread and other articles low.
1832	171	171	8 6 5	1,422 17 3	14	84	1 19 9	27 16 6	666 19 1	135 15 8	750 0 0	1,552 14 9	Ditto, ditto.
1833	200	200	8 13 2	1,630 18 8	15	90	1 19 9	29 16 3	880 1 4	109 12 0	800 0 0	1,789 13 4	Ditto, ditto.
1834	272	241	8 7 4	2,016 14 0	25	150	6 7 0	153 11 9	679 17 7	34 1 6	1,600 0 0	2,313 19 1	£137 19s. 3d. carried to next account.
1835	307	217	15 0 4	3,258 12 4	19	114	7 4 5	137 3 11	803 18 9	100 7 5	2,552 5 5	3,456 11 7	Flour advanced in price. Additional month in account.
1836	379	243	11 18 0	2,901 16 3	49	294	2 10 4	123 6 4	903 1 1	361 18 8	2,126 7 10	3,391 7 7	£367 1s. 4d., balance in hand, carried to next account.
1837	449	226	12 14 3	2,873 0 6	43	258	6 8 0	275 6 0	983 14 5	497 10 3	2,470 5 5	3,951 10 1	£703 3s. 4d. ditto, and £400, bequests, put out at interest.
1838	573	250	13 7 8	3,345 10 0	82	492	3 19 3	324 18 6	759 19 8	279 19 7	2,274 13 2	3,814 12 5	£746 ditto.
1839	651	261	13 11 10	3,819 5 2	88	528	3 4 9	284 15 0	1,389 19 6	631 8 4	2,981 12 9	4,933 0 7	£1,624 4s. 5d. ditto.
1840	777	306	14 5 0	4,360 10 0	206	1,236	1 13 8	347 15 4	902 9 5	1,230 15 11	2,586 6 3	4,719 11 7	A considerable number of occasional out-door cases relieved.
1841	334	316	12 4 8	3,865 14 8	216	1,296	5 11 6	1,202 4 0	977 16 4	937 7 5	2,890 18 6	4,806 2 3	No data to show out-door relief expended—great distress prevailed.
1842	849	329	12 3 3	4,001 9 3	181	1,086	5 11 6	1,003 12 6	892 2 1	550 19 3	3,567 13 2	5,010 14 6	Ditto, ditto.
1843	892	370	10 4 6	3,733 5 0	146	876	5 11 6	928 9 6	1,451 8 10	2,401 2 2	1,652 13 3	5,505 4 3	£1,548 19s. 10d., balance added; and £2,342 6s. 4d., carried to next year.
1844	906	409	8 5 9	3,389 11 5	236	1,516	5 11 6	1,308 4 0	891 1 7	1,987 15 5	3,000 0 0	5,878 17 0	£1,952 6s. 4d. added; £400 to Investment Fund, £3,123 carried to ditto.
1845	891	418	6 9 3	2,701 6 6	330	1,980	5 11 6	1,841 15 0	1,155 18 8	654 3 8	2,500 0 0	4,310 2 4	£3,123 ditto; to next year £938, and £1,982 in Debentures.
1846	984	479	5 1 4	2,426 18 8	339	2,034	5 11 6	1,891 18 6	1,038 7 9	2,244 0 7	1,750 0 0	5,082 8 4	£932 10s. 11d. ditto; to next year £1,695 2s. 8d.
1847	977	418	9 4 9	3,861 5 6	369	2,214	5 11 6	2,033 14 6	1,172 4 0	1,312 3 5	2,000 0 0	4,984 7 5	£1,695 2s. 8d. ditto; to next year £777 17s. 7d.

ASYLUM FOR THE DESTITUTE.

1848	1,048	462	6 9 7	2,998 7 6	288	1,728	5 11 6	1,605 12 0	1,119 12 5	1,502 16 3	2,250 0 0	4,872 8 8	£777 17s. 7d. ditto; debentures received and balance, £2,751 8s. 7d.	
1849	1,016	497	7 3 2	3,557 15 10	159	954	5 11 6	886 11 6	1,113 8 4	1,174 17 0	1,375 0 0	3,563 5 4	£2,751 8s. 7d. added; carried to next year, £1,969 6s. 6d.	
1849 half-year.	489	422	4 6 9	1,880 8 6	192	1,152	2 15 9	535 4 0	174 4 10	336 18 10	625 0 0	1,136 3 8	£1,969 6s. 6d. added; carried to ditto, £734 15s. 11d.	
1850	967	475	7 1 5	3,358 12 11	189	1,134	4 10 10	858 7 6	1,107 10 4	1,730 0 0	1,000 0 0	3,837 10 4	£734 15s. 11d. added; carried to ditto, £354 19s. 9d.	
1851	1,014	372	10 19 1	4,074 18 0	260	1,560	5 0 0	1,300 0 0	1,161 12 0	3,184 4 0	750 0 0	5,095 16 0	£354 19s. 9d. added; Liverpool House opened; 70 men sent.	
1852	1,015	320	14 14 1	4,705 6 8	156	936	4 17 7	761 3 0	1,402 0 3	5,034 11 9	500 0 0	6,936 12 0	£76 6s. 3d. added; carried to next year, £1,545.	
1853	1,314	436	13 19 1	6,094 18 4	83	498	6 10 4	540 17 8	1,961 9 9	6,193 11 9	250 0 0	8,405 1 6	£1,545 added; carried to ditto, £3,552 19s. 3d.	
1854	1,320	538	18 13 1	10,036 18 10	59	354	8 8 5	496 16 3	1,470 17 3	7,237 3 9	.....	8,758 1 0	£3,552 19s. 3d., added; £2,266 carried; provisions high.
1855	1,290	531	21 8 3	11,370 0 9	84	504	10 7 0	869 15 0	2,107 17 10	8,551 4 0	.....	10,659 1 10	£1,481 2s. 4d. added; and £785 to Building Fund, ditto.
1856	1,031	550	18 10 0	10,191 0 10	97	532	10 0 0	980 0 0	1,678 14 6	11,705 7 4	.....	13,384 1 10	£2,219 3s. 1d. carried to next year.
1857	1,134	594	15 12 4	9,276 6 0	106	636	6 16 9	624 15 7	1,524 12 5	7,587 5 7	.....	9,111 18 0	£2,219 3s. 1d. added; carried to next year, £1,432 10s. 4d.
1858	1,344	659	15 3 11	10,014 1 1	158	948	6 13 10	1,057 5 8	1,508 18 1	7,736 9 3	.....	9,245 7 4	Balance expended, £1,432 10s. 4d.; and £397 19s. 9d. due.
1859	1,245	691	16 14 0	11,539 14 0	357	2,142	5 0 7	1,795 8 3	1,557 11 0	11,042 6 9	.....	12,599 17 9	Balance due, £742 11s. 9d.
1860	1,372	607	20 3 8	12,251 5 8	468	2,808	5 14 10	2,686 10 0	1,145 15 6	12,515 5 0	.....	13,661 0 6	Balance due £1,952 18s. 10d.; paid to Randwick Asylum, £685.
1861	1,491	727	15 17 2	11,529 0 2	462	2,772	5 13 5	2,619 18 6	1,542 10 11	11,916 10 11	.....	13,459 1 10	Balance of last year deducted, £1,952 18s. 10d.; and £119 1s. 3d. paid to Randwick Asylum. Balance due this year to Investment Fund, included in Expenditure, £2,659 14s. 4d.
TOTAL	28,445	13,828	.....	175,618 0 6	6,226	37,356	.....	31,080 8 5	42,921 3 0	117,209 2 4	44,982 15 9	205,113 1 1	
Add out-door relief				31,080 8 5					From Colonial Treasury, &c.	117,209 2 4				
Total relief				206,698 8 11					From Private Subscriptions	42,921 3 0				
Add paid for the Children at Randwick, for the year 1860.....				685 0 0					Total Receipts	205,113 1 1				
Ditto 1861				119 1 3					Add balance due to Investment Fund	2,659 14 4				
				804 1 3										
Leaving a small discrepancy between receipts and expenditure, which consists of yearly balances due on petty cash of				207,502 10 2										
				270 5 3										
				207,772 15 5										
				207,772 15 5										

AVERAGE COST OF INMATES, &c. :—

Average Annual cost of each Inmate from 1819 to 1861, 13,828, at £12 14s. ⁸/₁₁

Average Annual cost of each Out-door Relief Case, for same period, 6,226, at £4 19s. 10d., ⁵/₁₁

Expended per Statement

I hereby certify that the above is a correct Statement of the transactions of the Benevolent Society, from its institution till 1861, as taken from the information furnished in the Annual Accounts and Reports of the various Committees.

Benevolent Asylum, Sydney, 13 May, 1862.

R. ANDERSON,
Clerk and Accountant, Benevolent Asylum.

STATEMENT OF INVESTMENT FUND.

Dr.	£ s. d.	Cr.	£ s. d.
Amount of Legacies and proceeds of house sold	785 0 0	Invested in Farm of Bankstown	480 0 0
Legacy from late Mr. Forrester 200 0 0		Ditto in Government Debentures, at 5 per cent.	3,000 0 0
Ditto Alderman Hogan and interest	54 0 0	Ditto in Oriental Bank Deposit Receipts. at 5 per cent.	3,075 0 0
Ditto Mr. Burbridge.....	9 17 0	Sum in Bank Account, 31st March, 1862 ..	687 9 11
Ditto Mr. Taylor, baker	50 0 0	Balance due by Society, per Account, 31st March, 1862	3,306 16 7
Ditto Mr. Jones, on account, and interest	3,075 0 0		
	3,388 17 0		
LAND SOLD.			
To Railway Company	3,000 0 0		
To Revd. J. Oram and interest 1,976 18 10			
To Bank of New South Wales..	664 17 8		
Deposit paid on Wheeler's purchase	253 13 0		
	5,895 9 6		
Invested in Farm of Bankstown	480 0 0		
	10,549 6 6		10,549 6 6
PRESIDENTS.			
—			
The Hon. Judge Advocate Wylde, from 1818 to 1822.	TREASURERS.		—
Frederick Goulburn, Esq., from 1823 to 1826.	Brigade Major Antill, from 1819 to 1822.		Rev. Richard Hill, from 1818 to 1835.
Hon. Alexander M'Leay, from 1827 to 1845.	Messrs. Berry and Wollstonecraft, from 1823 to 1828.		Rev. Wm. Cowper and George Allen, Esqs., from 1836 to 1839.
Rev. William Cowper, D.D., for 1846.	Richard Jones, Esq., from 1829 to 1843.		George Allen and R. C. Gordon, Esqs., from 1840 to 1843.
Hon. E. Deas Thomson, C.B., from 1847 to 1862.	Hon. C. D. Riddell, from 1844 to 1855.		Hon. George Allen, M.L.C., from 1844 to 1862.
	H. H. Browne, Esq., from 1856 to 1861.		
	Maurice Alexander, Esq., M.L.A., from 1861 to 1862.		

No. 24.

HONORARY SECRETARY, BENEVOLENT SOCIETY, to COLONIAL SECRETARY.

*Benevolent Asylum,
Sydney, 22 May, 1862.*

SIR,

I have the honor to inform you that I have been directed by the Committee of the Benevolent Society of New South Wales to request that His Excellency the Governor-in-Chief will be pleased to give the necessary instructions that a warrant may be issued for payment to the Treasurer of this Institution of the sum of four thousand and sixty-seven pounds one shilling and two-pence, per statement on margin, being balance of the first and the whole of the second quarter's moiety of twelve thousand three hundred and thirty-four pounds two shillings and four-pence, voted by Parliament in aid of the funds of the Society for the year 1862.

1st moiety—	£3,083 10 7
March 4. cash—	2,100 0 0
	983 10 7
2nd moiety—	3,083 10 7
	£4,067 1 2

The Committee have been obliged to draw further upon the Investment Fund, to enable them to meet the current demands upon the Society; and as all the available money is now entirely exhausted, and considerable sums will be immediately falling due, it will be obliging if the warrant can be sent without delay.

I have, &c.,

GEORGE ALLEN,
Honorary Secretary.

No. 25.

THE UNDER SECRETARY to HONORARY SECRETARY, BENEVOLENT SOCIETY.

*Colonial Secretary's Office,
Sydney, 7 June, 1862.*

SIR,

With reference to my letter of the 5th ultimo, and the 25th February last, I am directed by the Colonial Secretary to inform you, that in addition to the women and children for whom it has been already stated the expense will be defrayed by the Government, there will be no objection to pay for such destitute women having children under two years of age, as the Committee of the Benevolent Society may deem it expedient to admit into the Asylum.

I have, &c.,

W. ELYARD.

No. 26.

THE UNDER SECRETARY to HONORARY SECRETARY, BENEVOLENT SOCIETY.

*Colonial Secretary's Office,
Sydney, 17 June, 1862.*

SIR,

I am directed to acknowledge the receipt of your letter of the 22nd ultimo, requesting the payment to the Treasurer of the Benevolent Society of £4,067 1s. 2d., stated to be the balance of the first, and the whole of the second quarter's moiety of £12,384 2s. 4d. voted by Parliament in aid of the funds of the Society, for the year 1862.

2. The Colonial Secretary desires me to state, in reply, that he is not prepared to admit that the sum you claim is due to the Benevolent Society. The Committee appear to be under some misapprehension with regard to Parliamentary appropriations. The Executive Government is intrusted with the expenditure of funds provided for particular services, not exceeding the sums named; but there is no amount ordered to be paid unconditionally to any Institution.

3. In the case of the vote to which you refer, the Committee is aware that the contributions of the Government were chiefly for the support of the infirm and destitute, who have been provided for by it under a recent arrangement which has been carried out in consequence of a vote of the Legislative Assembly, adopting the Report of the Select Committee appointed to inquire into the management of the Benevolent Society.

The Government has, however, undertaken to bear the expense for certain women and children in the Benevolent Asylum in Sydney, under the direction of the Committee, and to propose to Parliament to supplement the subscriptions for relieving out-door objects of charity. The Society were, it is understood, also promised that any sum expended on the buildings at Liverpool should be reimbursed by the Government in the event of their being resumed, and as this has now been done, the Colonial Secretary is prepared to authorize the immediate payment of the sum of £1,601 8s. 7d., which appears, by the statements enclosed in your letter of the 10th of April, to be the amount which has been expended by the Society on improvements and repairs to the Institution at that place.

I have, &c.,

W. ELYARD.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

DESTITUTE CHILDREN'S SOCIETY.

(LIST OF OFFICERS AND DIRECTORS FOR 1862.)

Ordered by the Legislative Assembly to be Printed, 10 July, 1862.

OFFICERS AND DIRECTORS OF THE SOCIETY FOR THE RELIEF OF
DESTITUTE CHILDREN, FOR 1862.

PATRON—HIS EXCELLENCY SIR JOHN YOUNG.
PRESIDENT—THE HON. E. DEAS THOMSON, C.B.
VICE-PRESIDENTS—HON. GEORGE ALLEN, AND
VENERABLE ARCHDEACON M'ENCROE.
TREASURER—JOHN CALDWELL, ESQ., M.L.A.
SECRETARY—REV. ALFRED STEPHEN, B.A.

DIRECTORS:—

ALLEN, HON. GEORGE,	JOHNSON, REV. THOS.,
BROWN, DR.,	BOWMAN, DR.
BURNELL, H. C., J.P.,	M'ENCROE, VEN. ARCHDEACON,
COWLISHAW, THOS.,	MITCHELL, REV. S.
DOWLING, JAMES,	MILNE, REV. J. S.
HUNT, ROBERT A.,	M'FARLANE, HON. DR.,
HEBBLEWHITE, SAMUEL,	NATHAN, I.,
FAIRFAX, JOHN,	CORISH, REV. M. A.,
HANSON, WILLIAM,	PEARCE, S. H.,
BRINDLEY, THOS.,	POWELL, JAMES,
HURST, REV. G.,	O'CONNOR, RICHARD,
JOY, EDWARD,	RAPHAEL, J. G.,
KING, REV. GEORGE,	RICHARDSON, JOHN,
LEVY, E. A.,	SHERIDAN, REV. J. F.,

STEPHEN, SIR A.

I certify that the above is a correct list of the Officers and Directors of the Destitute Children's Society, for 1862.

ALFRED H. STEPHEN,
Secretary.

1862.

Legislative Assembly.

NEW SOUTH WALES.

CHURCH AND SCHOOL ESTATES.

(OPINION OF CROWN LAW OFFICERS IN ENGLAND RESPECTING.)

Ordered by the Legislative Assembly to be Printed, 28 May, 1862.

JOHN YOUNG,

Governor.

Message No. 1.

The Governor lays before the Legislative Assembly a copy of the Opinion of the Law Officers of the Crown in England respecting the Church and School Estates, which the Duke of Newcastle has transmitted for his information and guidance.

Government House,
Sydney, 28 May, 1862.

[Enclosure in Message No. 1.]

THE LAW OFFICERS OF THE CROWN to THE DUKE OF NEWCASTLE.

Temple,
17 January, 1862.

MY LORD DUKE,

We were honored with your Grace's commands, signified in Sir Frederick Rogers' letter of the 3rd instant, in which he stated that he was directed by you to enclose the copy of a Despatch which had been received from the Governor of New South Wales, relating to the treatment of certain lands formerly belonging to the "Church and School Estates Corporation" (with its enclosures), and to request that we would furnish you with our opinion on certain questions of law on which it was expedient that the Governor should receive instructions.

That by a Charter of 9th March, 1826, under the Seal of the Colony of New South Wales, a Corporation of an exclusively Church of England character was established, under the title of "The Trustees of the Clergy and School Lands in New South Wales."

That it contained the following Clause:—"XXXVI. And we do further will and ordain that it shall be lawful for us, our heirs and successors, by an order to be issued by us for that purpose, with the advice of our or their Privy Council, to dissolve and put an end to the said Corporation, in case it shall appear to us, our heirs and successors, with the advice aforesaid, expedient so to do; and thereupon all the lands which may by us, our heirs and successors, be granted to the said Corporation, shall revert and become absolutely vested in us or them, to be held, applied, and disposed of in such manner as to us, our heirs and successors, shall appear most conducive to the maintenance and promotion of religion and the education of youth in the said Colony."

That to this Corporation some hundred thousand acres of land appeared to have been granted at different times, but on the 4th February, 1833, it was dissolved, and those lands accordingly reverted to the Crown, subject to the understanding, pledge, or trust, embodied in the concluding words of the above quoted article of the Charter.

That a local Act (5th Wm. IV., No. 11) was passed on the 5th August, 1834, to remove some difficulties in transferring the Corporation property to the Crown, which Act, among other things, authorized the Governor (sec. 6) to grant, sell, or dispose of the lands granted to the Corporation, provided that the purchase-money was paid to an agent to be appointed by him for managing the property. The property was afterwards dealt with under that Act, as applicable to the general support of religion and education, though that object was not alluded to in the Act. That, in 1841, a system was adopted of letting out the lands for seven, fourteen, or twenty-one years, the object evidently being to secure some present revenue, without losing the gains ultimately derivable from the necessary increase in the fee simple value of the lands.

That in 1842, the Imperial Land Sales Act, 5 and 6 Vict., c. 36, was passed, providing (s. 2) that all waste lands should be dealt with by way of sale, reserving, however (s. 3), to the Crown the power of disposing of such lands, otherwise than by sale, for various specified purposes, and in general for any purpose "of public safety, convenience, health, or enjoyment," and "saving existing promises, engagements, and contracts." Section 20.

That waste lands were defined to mean (s. 23) lands vested in the Crown which had "not been already granted to any person or persons in fee simple, or for an estate of freehold, or for a term of years, and which have not been dedicated and set apart for some public use."

That finally, by the Act 18 and 19 Vict., c. 54, s. 2, subject to the same provision as to "contracts, promises, and engagements," the disposal of waste lands of the Crown in New South Wales was transferred to the Colonial Legislature.

That it was alleged that the lands, as at present managed, interfered with the progress of settlement, and the Assembly claimed that they should be treated as part of the "waste lands of the Crown" transferred to the Legislature by the Act 18 and 19 Vict., and discharged from the obligation to perform any trust.

That Messrs. Martin and Lutwyche, the Colonial Attorney and Solicitor General in 1856, held, and were followed by a majority of the Legislative Assembly in holding, that the Church and School Lands were simply "waste lands of the Crown," and that the leases under which they were then occupied (or at least those granted subsequently to the Land Sales Act, which prohibited the leasing of waste lands), were illegal, and that the Executive Government had no power, without a fresh Act of the local Parliament, to apply their proceeds to the purposes of the alleged trust.

That, on the other hand, the English Law Officers in the time of Lord Russell,—almost the whole of the Legislative Council,—a respectable minority of the Assembly,—four Colonial Law Officers, Messrs. Plunkett, Manning (now Sir Wm. Manning), Darvall, and Wise, and some of the present Ministry,—concurred in holding that the lands were not waste lands, and were properly administered under the existing law.

That the opinions of the Colonial Law Officers would be found in the Colonial Parliamentary paper of 22nd May, 1860.

That it seemed probable that the House of Assembly, being one of the branches of the Legislature constituted under 18 and 19 Vict., cap. 54, would pass Resolutions declaring those lands to be "waste lands," and directing them to be treated as such.

That, under these circumstances, your Grace was desirous of obtaining our opinion on the following points:—

- (1.) Are the lauds which formerly belonged to the Church and School Corporation, and on the dissolution of that body vested in the Crown, a portion of the waste lands of the Crown transferred to the Legislature of New South Wales by the Imperial Act 18 and 19 Vict., cap. 54?
- (2.) What steps could be taken to obtain the judgment of a Court of Law upon this question?
- (3.) Supposing these lands to be waste lands, what is the effect on existing leases or alienations heretofore made under the local Act 5 Wm. 4, c. 11?

That, having reference on the one hand to the claims of the Colonial Treasury (if any) on those lands, and on the other to the rights of the existing lessees or grantees, to the nature of the trust (if any) imposed on the Crown by the 36th clause of the Charter, to the equitable interests (if any) of the institutions which benefited by that trust, and to the circumstance that by the local Act the management of the lands was conferred on the Governor without the concurrence of his Executive Council (or Ministry),—your Grace would be further glad to know whether the Governor or those acting under his authority would be liable to any legal consequences if, after a Resolution of the House of Assembly declaring those lands to be waste lands of the Crown, he proceeded, with or without the advice of his Government, either on the one hand to deal with the lands as they were then dealt with, or to treat them as waste lands (paying the proceeds to the proper Colonial Department, for the use of the Colonial Treasury), or to impound the annual receipts and stay the issue of further leases or grants until the question should be settled by an Act of the Legislature, or a decision of a Court of Law?

And generally, what course would we advise the Governor to pursue on the passing of such a Resolution?

In obedience to your Grace's commands, we have taken this matter into consideration, and have the honor to *Report*—

That, we are of opinion that the lands which formerly belonged to the Church and School Corporation do not constitute a portion of the waste lands of the Crown, transferred to the Legislature of New South Wales by the Imperial Act 18 and 19 Vict., cap. 54.

The waste lands of the Crown transferred by that Act are, in our opinion, the same which are defined by the 23rd section of the prior Act 5 and 6 Vict., cap. 36. That definition excludes all lands which, before the 22nd June, 1842, had been "dedicated and set apart for some public use." And we conceive the real question in this case to be, whether the lands in question had been, in fact, dedicated and set apart for any public use before that date?

We cannot agree with the suggestion made by Messrs. Martin and Lutwyche, that the words "some public use," in this section, ought to be construed with reference to the 3rd section of the same Act; so as to exclude all public purposes not *ejusdem generis* with those mentioned in that section. The general expression, "some" (or any) "public use," does not occur at all in the 3rd section; and there is nothing to limit its generality in the 23rd, where it does occur. The fact that there were already lands of large extent dedicated to the general purposes of religion and education, might very possibly be itself a reason for not taking power to make any provision for the same purposes.

The

The material facts are, that by the Charter of 1826 the lands in question had been dedicated to particular public uses, subject to a power reserved, not to the Crown *simpliciter*, but to the King in Council, to dissolve the Corporation, and revert the lands in the Crown, "to be held, applied, and disposed of, in such manner as should appear most conducive to the maintenance and promotion of religion and the education of youth in the Colony." This power was exercised in 1833; and, under various Orders of the Crown, signified to successive Governors in the usual manner between that date and the passing of the Act of 1842, the appropriation and dedication of these lands, and their proceeds, to the purposes of religion and education in the Colony, was uniformly recognized and acted upon; and continued so to be when the Act of 1842 passed.

We cannot, under these circumstances, hesitate to express our entire agreement with the opinions given by the Colonial Judges in 1831; by the English Law Officers in 1839; and by all the Colonial Law Officers, except Messrs. Martin and Lutwyche, since 1842; to the effect that these lands were, on the 22nd June, 1842, already "dedicated and set apart for a public use;" and were, therefore, not within the definition of waste lands of the Crown contained in the section above referred to.

We think it proper to add (with reference to some other points suggested by the Report of the Select Committee of the Legislative Assembly of New South Wales, dated the 24th April, 1860), that we entertain no doubt of the legal validity of the Charter of 1826, and of the Order in Council of 1833, founded thereon; and that we cannot adopt the construction of the 50th section of the New South Wales Government Act (18 and 19 Vic., cap. 54, Schedule 1), which is stated in the same Report to be as contended for by Mr. Plunkett. That section relates only to "territorial, casual, and other revenues of the Crown, from whatever source arising, within the said Colony." If the lands in question were held by the Crown upon a public trust, for the purposes of religion and education, it is clear that they were not "revenues of the Crown" within the meaning of that section. A civil "list" is to be accepted "instead of" the "revenues of the Crown" referred to, which clearly shews that the "revenues" intended are revenues which the Crown, but for such arrangement, might rightly have taken for its own benefit.

The only means which occur to us of obtaining the judgment of a Court of Law upon the question, are such as might be afforded by proceedings in ejectment, in the name of the Crown, against a lessee of some part of these lands, founded upon a notice to quit, which, if the opinion of Messrs. Martin and Lutwyche were correct, would entitle the Crown to recover—no lease of waste lands of the Crown in the Colony, granted since the 22nd June, 1842 (unless by virtue of some prior contract or engagement) being valid in law. Leases made before that date, or afterwards made under prior contracts, as well as all alienations confirmed by the Colonial Act (5 Wm. 4, cap. 11), are under any circumstances valid.

We think that it is competent for the Governor, without any risk (if authorized by the Home Government so to do) to impound the annual receipts of these lands, and to stay the issue of further leases or grants until the question may be settled by an Act of the Legislature, or by a legal decision. We do not think that a mere Resolution of the House of Assembly would have any legal effect; and, we are of opinion, that the Governor would not be liable to any legal consequences, if he should, notwithstanding such a Resolution, continue to deal with these lands as they are at present dealt with. If, on the other hand, he should treat them as waste lands, and apply their proceeds to general public purposes, it is possible that, by information in the Colonial Court of Equity, such a misappropriation might be corrected. But we do not think that, if he acted under orders from the Crown to that effect, he would be subject to any personal responsibility.

In the event of such a Resolution being passed, we humbly conceive that it would be very expedient to have the matter settled by legislation, and placed beyond the reach of controversy, without any unnecessary delay, as was done in the parallel case of the Canada Clergy Reserves, and that, in the meantime, the Governor should either continue to deal with the lands as they have been hitherto dealt with, or should (as far as may be without injustice to individuals) impound the proceeds, and stay the issue of further leases or grants.

We have, &c.,

WM. ATHERTON.
ROUNDELL PALMER.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CHURCH AND SCHOOL ESTATES.

(MESSAGE NO. 2.)

Ordered by the Legislative Assembly to be Printed, 3 June, 1862.

JOHN YOUNG,
Governor.

Message, No. 2.

With reference to the Address of the Legislative Assembly of 30th ultimo, the Governor has pleasure in transmitting a copy of the Despatch which, on receipt of the Resolutions communicated to him by the Legislative Assembly, dated 13th September, 1861, he addressed to Her Majesty's Secretary of State for the Colonies, enclosing these Resolutions, and requesting instructions on the points raised in them.

With this Despatch the Governor forwarded all the papers on the subject which have at various periods been ordered to be printed by the Legislative Council and the Legislative Assembly.

The Secretary of State in replying, enclosed a copy of the opinion obtained from the Law Officers of the Crown in England. This opinion was no doubt considered by His Grace as the answer to the Governor's queries, and it was transmitted accordingly for his information and guidance.

The covering Despatch His Grace thought proper to mark "Separate," thus withdrawing it from the regular numbered series and category of Despatches liable to be called for by Parliament. The Governor, therefore, has no authority to produce it.

The Governor thinks it right to say that the general management of the Church and School Lands, and the appropriation of the proceeds arising from their disposal, are matters of local concern, and may properly be dealt with by the local Legislature.

While the Law Officers of the Crown have given the opinion that the Crown is still Trustee of these lands, there is no wish to interfere farther than to see that due respect be paid to the interests (if any) of individuals, and the question decided in a regular and constitutional manner, either by the judgment of a Court of Justice or by an enactment in which all three branches of the Legislature shall concur.

*Government House,
Sydney, 3rd June, 1862.*

GOVERNOR SIR JOHN YOUNG to THE SECRETARY OF STATE FOR THE COLONIES.

No. 72.

*Government House,
Sydney, 21 September, 1861.*

MY LORD DUKE,

I have the honor of enclosing for your Grace's consideration the copy of an Address which was presented to me on the 17th instant by the Legislative Assembly.

It contains Resolutions which raise questions difficult and embarrassing in more than one point of view; and I request that I may be favoured by your Grace's instructions as to the course which I am to pursue.

The lands were granted for certain purposes—to pay the stipends of dignitaries and of the clergy, to support schools and schoolmasters, to provide glebes, to erect churches; and a Royal Charter of Incorporation of the Trustees of the Clergy and School Lands was issued under date 9th March, 1826.

Grants of about 450,000 acres, in various counties, were made with all due forms to the Trustees.

In 1833 the Corporation was dissolved by Order in Council.

The three Judges of the Supreme Court in Sydney had previously given their opinion that the Crown had the power "of dissolving and putting an end to the Corporation, but "that the lands granted continued liable to the trusts mentioned in the original Charter." This unanimous opinion of the Judges in the Colony was, as appears from Lord John Russell's Despatch of 29th October, 1839, confirmed by that of the Law Officers of the Crown in England, and has been since acted upon, with only such modifications as the law authorities held to be compatible with the provisions of the original Charter.

For instance, instead of the proceeds being devoted to the Church of England alone, five-sevenths of them have been divided between the Church of England, the Church of Rome, the Church of Scotland, and the Wesleyan Methodist Society, according to the relative numbers of those communions, and two-sevenths given in aid of schools.

The rule that the produce of the lands in question was to be rendered conducive to the maintenance and promotion of religion and education of youth in the Colony, without reference to any particular church, has been uniformly observed, and it has been held that though the Crown had resumed the lands, it held them conditionally, and had only resumed them for the purpose of carrying out with greater certainty and efficiency the objects of the trust.

This opinion has not, however, passed without dispute; and though the great preponderance of legal opinion is in its favour, the opposite view is, as your Grace will see from the enclosed papers, embraced by more than one able Colonial lawyer.

The discussion has been brought to a point by these Resolutions of the Legislative Assembly, and the issue raised, whether these Church and School Lands are really so, or merely waste lands to be dealt with as are the waste lands generally?

The religious bodies interested, the Legislative Council almost unanimously, a considerable minority of the Legislative Assembly, and the Colonial Secretary and the Attorney General, hold the former opinion.

The three other Ministers, though they voted against the Resolutions in deference to their Chief, and a majority of the Legislative Assembly, consider the trust abrogated, and desire to deal with the lands simply as waste lands of the Crown.

Thus the two Houses are at variance, and even the Ministers divided in opinion.

The majority in the Legislative Assembly is inclined to push its views to the utmost. Indeed but for the state of the public business, and the confusion their resignation would have created, Ministers would have retired on the occasion of their defeat on these Resolutions.

The Colonial Secretary made a statement in the Legislative Assembly to that effect on last Tuesday.

The points on which I request instructions for my guidance are—Am I, on the part of the Crown, to consider the lands in question as still liable to the trusts, or simply waste lands in the ordinary acceptation of the term?

If the latter, the Resolutions will I presume take effect—if the former, ought not the proceeds of the lands to be dealt with, and their destination changed, if changed at all, by Legislative enactment, with the concurrence of both Houses of Parliament, and not by Resolution of the one House alone in opposition to the other?

It appeared to me, when the question was first brought before me some months ago, that the difficulties of the case might be met by the arrangement subsequently embodied in the enclosed Minute of the Executive Council of date 9th September, 1861, to which I beg to call your Grace's attention.

This Minute decided—1st, on a gradual sale of the lands, a step authorized, indeed urged, by successive Secretaries of State; 2nd, on the investing in Government debentures the proceeds of the sales, and not distributing the capital moneys as had been done on some former occasions; and 3rd, on distributing in the proportions as heretofore the interest of the debentures.

The Ministers approved of this scheme, and it is in accordance with the view which strikes me as well founded, that the Crown held the lands conditionally, and transferred them subject to the conditions to the Legislature of the Colony; and that in the absence of legislation, altering the conditions, with the concurrence of all branches of the Legislature, they must be adhered to.

The majority of the Legislative Assembly is, however, of a different opinion; and seeing that the Legislative Council will not probably fall into their views, they desire to effect by the Resolutions of their own body what they despair of effecting with the concurrence of the other House.

It is held in some quarters that these lands are not included at all in the transfer made to the Colonial Legislature under the Constitution Act; in others, that even if transferred they have been transferred conditionally, and that the honour of the Crown is engaged in behalf of the trusts. I should, therefore, in the event of any Bill passing both Houses reserve it for Her Majesty's consideration, as it might be your Grace's opinion that the question is not merely one of Colonial cognizance; but supposing the two Houses do not agree, and no legislation takes place altering the conditions under which I assume the lands to have been conveyed to the Colonial Legislature, I should be obliged by your Grace's favouring me with instructions whether I am or am not to sanction, on the part of the Crown, any further deviation from the practice hitherto pursued—such as the withholding the distribution of the rents of the lands and the interest of debentures on the authority of the Legislative Assembly alone?

I enclose for your Grace's information printed copies of the Charter, the legal opinions upon it, and various despatches upon the subject which have been presented to the Colonial Legislature.

What I have written will, I hope, convey a general but clear view of the points at issue, and I will only add that I believe the matter to be in a state in which instructions from the Imperial Government, conveying an opinion as to the position of the Crown and the general bearings of the case, would go far towards adjusting a dispute which may otherwise assume formidable dimensions.

I have, &c.,
JOHN YOUNG.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CHURCH AND SCHOOL ESTATES REVENUE.
(PAYMENTS TO CLERGYMEN OUT OF UNEXPENDED BALANCES OF.)

Ordered by the Legislative Assembly to be Printed, 18 June, 1862.

PAYMENTS to CLERGYMEN out of the Unexpended Balances of the Church and School Estates Revenue,
from 1857 to 1861.

PARTICULARS.	1857.	1858.	1859.	1860.	1861.
CHURCH OF ENGLAND.					
<i>Diocese of Sydney.</i>					
Rev. H. Elliott	200 0 0	.....	.....	.....	.....
" W. Hodgson.....	100 0 0	150 0 0	150 0 0	150 0 0	150 0 0
" W. M. Cowper.....	200 0 0	.....	.....	.....	.....
" T. Hayden	100 0 0	.....	100 0 0	100 0 0	150 0 0
" E. Syngé	100 0 0	200 0 0	.....	50 0 0	.....
" A. S. King	100 0 0	.....	100 0 0	150 0 0	50 0 0
" W. Farrar	150 0 0	150 0 0	150 0 0	.....	.....
" J. Carter	150 0 0	150 0 0	150 0 0	87 9 6	62 9 6
" P. P. Agnew	100 0 0	50 0 0	100 0 0	100 0 0	100 0 0
" W. Stone.....	100 0 0	50 0 0	50 0 0	50 0 0	.....
" T. C. Ewing.....	50 0 0	58 15 4	57 18 10	.....	50 0 0
" R. Potter.....	25 0 0	100 0 0	100 0 0	100 0 0	100 0 0
" R. W. Young	25 0 0	.....	.....	.....	.....
" T. Horton	86 17 8	.....	.....	.....	.....
" W. Allworth	100 0 0	.....	.....	.....	.....
" F. Ashwin .....	.....	50 0 0	50 0 0	.....	.....
" J. A. Burke.....	.....	50 0 0	.....	.....	.....
" W. Drake.....	.....	.....	100 0 0	100 0 0	100 0 0
" J. Stelle .....	.....	.....	100 0 0	.....	.....
" J. D. Brenan .....	.....	.....	41 0 0	159 0 0	100 0 0
" E. B. Procter .....	.....	.....	.....	50 0 0	.....
" D. P. M. Hulbert .....	.....	.....	.....	50 0 0	.....
" P. G. Smith.....	.....	.....	.....	17 0 0	.....
" C. H. Rich .....	.....	.....	.....	.....	50 0 0
" A. H. Wyatt .....	.....	.....	.....	.....	50 0 0
" T. H. Wilkinson .....	.....	.....	.....	.....	50 0 0
" H. D. Garven .....	.....	.....	.....	.....	36 13 10
Licensed Minister, Shoalhaven..	.....	.....	.....	.....	50 0 0
Churchwardens, Bishopsthorpe.	.....	200 0 0	.....	.....	.....
Do. Darlinghurst..	.....	200 0 0	.....	.....	.....

CHURCH AND SCHOOL ESTATES REVENUE.

PAYMENTS, &c.—Continued.

PARTICULARS.	1857.	1858.	1859.	1860.	1861.
CHURCH OF ENGLAND.					
<i>Diocese of Newcastle.</i>					
Rev. B. Glennie	100 0 0	104 7 8	.....	.....	.....
" J. Moseley	100 0 0	.....	.....	.....	.....
" T. L. Dodd	100 0 0	.....	.....	11 8 6	.....
" F. R. Kemp	100 0 0	100 0 0	100 0 0	100 0 0	.....
" J. R. Thackeray	100 0 0	100 0 0	100 0 0	100 0 0	100 0 0
" L. H. Rumsey	100 0 0	100 0 0	.....	.....	.....
" L. Tyrrell	100 0 0	100 0 0	100 0 0	100 0 0	100 0 0
" W. W. Dove	93 8 10	100 0 0	.....	.....	.....
" J. J. Nash .....	.....	100 0 0	100 0 0	100 0 0	80 0 0
" E. Williams.....	.....	.....	100 0 0	.....	.....
" B. E. Shaw .....	.....	.....	100 0 0	100 0 0	.....
" G. C. Bode .....	.....	.....	99 9 6	100 0 0	52 1 8
" W. C. Hawkins .....	.....	.....	.....	100 0 0	100 0 0
" S. Hungerford.....	.....	.....	.....	.....	75 0 0
" J. F. R. Whinfield .....	.....	.....	.....	37 9 0	80 0 0
" W. Carr .....	.....	.....	.....	.....	100 0 0
WESLEYAN CHURCH.					
Rev. J. Watsford.....	256 11 10	.....	.....	.....	.....
" W. J. K. Piddington .....	.....	227 1 4	225 9 8	237 14 6	262 17 1
CHURCH OF ROME.					
Rev. P. White.....	100 0 0	.....	.....	.....	.....
" J. Dunne	59 13 1	41 6 11	.....	.....	.....
" J. Quinlivan.....	.....	100 0 0	100 0 0	100 0 0	100 0 0
Additional Clergymen—					
St. Mary's .....	.....	.....	.....	100 0 0	100 0 0
St. Patrick's .....	.....	.....	.....	.....	50 0 0
St. Benedict's .....	.....	.....	.....	.....	50 0 0

W. C. MAYNE,
Auditor General.

Audit Office, Sydney,
10th June, 1862.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CHURCH AND SCHOOL LANDS.

(RETURN (IN PART) RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 24 June, 1862.

RETURN (in part) to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 6 June, 1862, praying that His Excellency the Governor would be pleased to cause to be laid upon the Table of this House,—

“ A copy of all Despatches from the Secretary of State,
 “ Viscount Goderich, to Governor Sir Ralph Darling, relating
 “ to the Church and School Lands ; and also copies of His
 “ Majesty’s Instructions, referring to Church and School
 “ Lands, transmitted by Viscount Goderich to Sir Ralph
 “ Darling.”

(*Mr. Piddington.*)

CHURCH AND SCHOOL LANDS.

EXTRACT of a Despatch from the Secretary of State, Viscount Goderich, to Governor Lieutenant General Darling, dated 14 February, 1831.

No. 21.

*Downing-street,
14 February, 1831.*

SIR,

I have the honor of transmitting to you His Majesty's Instructions on the subject of my Despatch of the 9th of January, together with a copy of the printed terms which have in consequence been issued for the information of persons intending to become settlers, and of the General Order which has been promulgated to the Army in reference to Military Officers. I take the opportunity of adding what further observations seem to be requisite in order to enable you fully to understand the views which have led to the change of policy which will be thus carried into effect.

The first point to which I shall call your attention is the omission of that part of your former Instructions by which you were required to reserve one-seventh of the Crown Lands in each Hundred and County, for the purpose of maintaining the Church and School Establishment.

This change has been made in compliance with the recommendation contained in the Report of the Commissioners of Enquiry already transmitted to you. The reasons they have assigned for this recommendation sufficiently prove the propriety of adopting it. I may add, that as these lands in their present state are of little or no value, and any they may in future possess must be derived from the industry of the owners of the adjoining lands, any income to be derived from them for public purposes must, in fact, like every other branch of the Revenue, be a tax on the industry and capital of the colonists. It comes, therefore, simply to be a question whether it is the best means of raising the sum which is required; a question on which there cannot be a doubt, when it is remembered, that while they cause very serious inconvenience to the settlers, these reserves at the present moment do not even pay the expense of management; that the whole cost of the Church Establishment is defrayed out of the Ordinary Revenue, and that therefore the effect of the system is to lay a heavy tax on the Colony at the present moment, with a view to a future exemption from taxation. The policy of the proposed change is to afford an immediate relief, and to trust for the means of meeting the future expense of the Church Establishment to the same sources from which it is at present defrayed, and which will, of course, become more productive as the Colony advances in wealth and population. If that advance is promoted, as there is every reason to believe, by the sale of lands hitherto reserved, they will by that means at least as effectually contribute to the relief of the Revenue hereafter as if they were retained in the hands of those by whom they are now managed.

INSTRUCTIONS enclosed in a Despatch from Viscount Goderich to Lieut. General Darling, dated 14th February, 1831 (taken from Imperial Parliamentary Paper of 19th August, 1839.)

[Extract.]

WILLIAM R.

ADDITIONAL Instructions to Our trusty and well-beloved RALPH DARLING, Esquire, Lieutenant General of Our Forces, Our Captain General and Governor-in-Chief in and over Our Territory of New South Wales and its Dependencies, or to the Lieutenant Governor or Commander-in-Chief of Our said Territory for the time being. Given at Our Court of St. James', the thirtieth day of January, 1831, in the first year of Our Reign.

WHEREAS Our late Royal Brother and predecessor, His Majesty King George the Fourth, did, by a Commission under the Great Seal of this United Kingdom, bearing date at Westminster, the 16th day of July, 1825, constitute and appoint you to be Captain General and Commander-in-Chief of Our Territory called New South Wales, and did, by certain additional Instructions under His Royal Signet and Sign Manual, bearing date the 17th day of July, in the year 1825, require and command you to affix the Public Seal of the said Colony to Letters Patent for establishing within the same a Corporation by the name of "The Trustees of the Clergy and School Lands," for such several purposes as therein mentioned: And whereas by certain other additional Instructions, bearing date the 19th day of June, 1830, His said late Majesty did require and command you to affix the Public Seal of the said Colony to Letters Patent to be issued in His name, revoking the several Provisions, Declarations, and Regulations contained in the Letters Patent referred to in the said additional Instructions of the 17th July, 1825; and His said late Majesty did, by the said additional Instructions of the 19th of June, 1830, further authorize and require you to establish, institute, and ordain such Rules, Orders, and Provisions as are therein mentioned, for the performance of the several duties theretofore vested in the said Corporation; and His said late Majesty did thereby reserve to himself, His Heirs and Successors, full power and authority to ordain and establish all such Rules, Orders, and Provisions in respect of the matters aforesaid, or any of them, as to him, His Heirs or Successors, might seem meet: Now, We do hereby revoke and finally annul the said additional Instructions of the 17th of July, 1825, and the said additional Instructions of the 19th day of June, 1830, and all acts, deeds, matters, and things by you done, under and in pursuance of the said additional Instructions, or either of them; and We do require and command you to affix the Public Seal of Our said Colony to Letters Patent to be passed in Our name for revoking the before-mentioned Letters Patent establishing the said Corporation, and for further revoking the appointment of Commissioners for managing the said Corporation; and We do further revoke, rescind, and annul all and every the Provisions and Regulations contained in your General Instructions bearing date the 17th day of July, 1825, relating to the granting of Waste Lands of and belonging to Us within the said Colony, and relating to the survey and valuation thereby directed to be made of such Waste Lands, and to the appointment of Commissioners for making such survey and valuation.

Sydney: Thomas Richards, Government Printer.—1862.

[Price, 1d.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CHURCH AND SCHOOL ESTATES.
(PETITION—DISTRICT OF MACLEAY RIVER.)

Received by the Legislative Assembly, 13 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

The Petition of the Clergy and of the Catholic Population of the Macleay River District,—

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

HUMBLY SHEWETH:—

That your Petitioners respectfully represent to your Honorable House the inviolability of the Trust by which the lands called the Church and School Estates have been devoted to the promotion of Religion and of Public Education.

That your Petitioners are justified in their claim to have this Trust considered inviolable by the practice of many years, by the opinions of many eminent lawyers of this country, and by the formal opinion of the Imperial Law Officers, recently delivered, with full knowledge of the case, and in answer to authoritative inquiry.

Your Petitioners therefore pray that, in any further legislation in this matter, there may be respected, as they understand the Bill presently before your Honorable House does respect, the inviolability of the Trust under which the said lands are devoted to the promotion of Religion and Education.

And your Petitioners will ever pray, &c.

[Here follow 53 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CHURCH AND SCHOOL ESTATES.
(PETITION—DISTRICT OF BALMAIN.)

Received by the Legislative Assembly, 9 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

The Petition of the Clergy and of the Catholic Population of the District of Balmain,—

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

That your Petitioners respectfully represent to your Honorable House the inviolability of the Trust by which the lands called the Church and School Estates have been devoted to the promotion of Religion and of Public Education.

That your Petitioners are justified in their claim to have this Trust considered inviolable by the practice of many years, by the opinions of many eminent lawyers of this country, and by the formal opinion of the Imperial Law Officers recently delivered, with full knowledge of the case, and in answer to authoritative inquiry.

Your Petitioners therefore pray that, in any further legislation in this matter, there may be respected, as they understand the Bill presently before your Honorable House does respect, the inviolability of the Trust under which the said lands are devoted to the promotion of Religion and Education.

And your Petitioners will ever pray, &c.

[Here follow 87 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CHURCH AND SCHOOL ESTATES.
(PETITION—DISTRICT OF MERRIWA.)

Received by the Legislative Assembly, 8 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

The Petition of the Clergy and of the Catholic population of the District of Merriwa,—

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

HUMBLY SHEWETH:—

That your Petitioners respectfully represent to your Honorable House the inviolability of the Trust by which the lands called the Church and School Estates have been devoted to the promotion of Religion and of Public Education.

That your Petitioners are justified in their claim to have this Trust considered inviolable by the practice of many years, by the opinions of many eminent lawyers of this country, and by the formal opinion of the Imperial Law Officers recently delivered, with full knowledge of the case, and in answer to authoritative inquiry.

Your Petitioners therefore pray that, in any further legislation in this matter, there may be respected, as they understand the Bill presently before your Honorable House does respect, the inviolability of the Trust under which the said lands are devoted to the promotion of Religion and Education.

And your Petitioners will ever pray, &c.

[Here follow 57 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CHURCH AND SCHOOL ESTATES.
(PETITION—DISTRICT OF MURRURUNDI.)

*Received by the Legislative Assembly, 4 July, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

The Petition of the Clergy and of the Catholic Population of the District of
Murrurundi,—

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

HUMBLY SHEWETH:—

That your Petitioners respectfully represent to your Honorable House the
inviolability of the Trust by which the Lands called Church and School Estates have been
devoted to the promotion of Religion and of Public Education.

That your Petitioners are justified in their claim to have this Trust considered
inviolable by the practice of many years, by the opinions of many eminent lawyers of this
country, and by the formal opinion of the Imperial Law Officers recently delivered, with full
knowledge of the case, and in answer to authoritative inquiry.

Your Petitioners therefore pray that, in any further legislation in this matter, there
may be respected, as they understand the Bill presently before your Honorable House does
respect, the inviolability of the Trust under which the said lands are devoted to the promotion
of Religion and Education.

And your Petitioners will ever pray, &c.

[Here follow 135 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CHURCH AND SCHOOL ESTATES.
(PETITION—DISTRICT OF MUSWELLBROOK.)

Received by the Legislative Assembly, 3 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of the Clergy and of the Catholic Population of the District of Muswellbrook,—

HUMBLY SHEWETH :—

That your Petitioners respectfully represent to your Honorable House the inviolability of the Trust by which the lands called the Church and School Estates have been devoted to the promotion of Religion and of Public Education.

That your Petitioners are justified in their claim to have this Trust considered inviolable by the practice of many years, by the opinions of many eminent lawyers of this country, and by the formal opinion of the Imperial Law Officers recently delivered, with full knowledge of the case, and in answer to authoritative inquiry.

Your Petitioners therefore pray that, in any further legislation in this matter, there may be respected, as they understand the Bill presently before your Honorable House does respect, the inviolability of the Trust under which the said lands are devoted to the promotion of Religion and Education.

And your Petitioners, as in duty bound, will ever pray, &c.

[Here follow 42 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CHURCH AND SCHOOL ESTATES.

(PETITION—DISTRICT OF PATRICK'S PLAINS.)

*Received by the Legislative Assembly, 3 July, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

The Petition of the Clergy and of the Catholic Population of the District of
Patrick's Plains,—

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

HUMBLY SHEWETH :—

That your Petitioners respectfully represent to your Honorable House the
inviolability of the Trust by which the lands called Church and School Estates have been
devoted to the promotion of Religion and of Public Education.

That your Petitioners are justified in their claim to have this Trust considered
inviolable by the practice of many years, by the opinions of many eminent lawyers of this
country, and by the formal opinion of the Imperial Law Officers recently delivered, with
full knowledge of the case, and in answer to authoritative inquiry.

Your Petitioners therefore pray that, in any further legislation in this matter, there
may be respected, as they understand the Bill presently before your Honorable House does
respect, the inviolability of the Trust under which the said lands are devoted to the promotion
of Religion and Education.

And your Petitioners will ever pray, &c.

[*Here follow 161 Signatures.*]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CHURCH AND SCHOOL ESTATES.

(PETITION—DISTRICT OF MORPETH.)

Received by the Legislative Assembly, 1 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

The Petition of the Clergy and of the Catholic Population of the District of Morpeth,—

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

That your Petitioners respectfully represent to your Honorable House the inviolability of the Trust by which the lands called the Church and School Estates have been devoted to the promotion of Religion and of Public Education.

That your Petitioners are justified in their claim to have this Trust considered inviolable by the practice of many years, by the opinions of many eminent lawyers of this country, and by the formal opinion of the Imperial Law Officers recently delivered, with full knowledge of the case, and in answer to authoritative inquiry.

Your Petitioners therefore pray that, in any further legislation in this matter, there may be respected, as they understand the Bill presently before your Honorable House does respect, the inviolability of the Trust under which the said lands are devoted to the promotion of Religion and Education.

And your Petitioners will ever pray, &c.

[Here follow 151 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CHURCH AND SCHOOL ESTATES.

(PETITION—DISTRICT OF EAST MAITLAND.)

Received by the Legislative Assembly, 19 June, 1862, and Printed under the Sessional Order of 4 June, 1862.

The Petition of the Clergy and of the Catholic Population of the District of East Maitland,—

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

HUMBLY SHEWETH :—

That your Petitioners respectfully represent to your Honorable House the inviolability of the Trust by which the lands called the Church and School Estates have been devoted to the promotion of Religion and of Public Education.

That your Petitioners are justified in their claim to have this Trust considered inviolable by the practice of many years, by the opinions of many eminent lawyers of this country, and by the formal opinion of the Imperial Law Officers recently delivered, with full knowledge of the case, and in answer to authoritative inquiry.

Your Petitioners therefore pray that, in any further legislation in this matter, there may be respected, as they understand the Bill presently before your Honorable House does respect, the inviolability of the Trust under which the said lands are devoted to the promotion of Religion and Education.

And your Petitioners will ever pray, &c.

[Here follow 196 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CHURCH AND SCHOOL ESTATES.
(PETITION—DISTRICT OF WINDSOR.)

*Received by the Legislative Assembly, 1 July, 1862, and Printed under the Sessional Order
of 4 June, 1862.*

The Petition of the Catholic Clergyman and of the Catholic Population of the
District of Windsor,—

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

That your Petitioners respectfully represent to your Honorable House the
inviolability of the Trust by which the lands called the Church and School Estates have
been devoted to the promotion of Religion and Public Education.

That your Petitioners are justified in their claim to have this Trust considered
inviolable by the practice of many years, by the opinions of many eminent lawyers of this
country, and by the formal opinion of the Imperial Law Officers recently delivered, with
full knowledge of the case, and in answer to authoritative inquiry.

Your Petitioners therefore pray that, in any further legislation in this matter, there
may be respected, as they understand the Bill presently before your Honorable House does
respect, the inviolability of the Trust under which the said lands are devoted to the promotion
of Religion and Education.

And your Petitioners will ever pray, &c.

[*Here follow 54 Signatures.*]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CHURCH AND SCHOOL ESTATES.

(PETITION—DISTRICT OF TUMBERUMBA.)

Received by the Legislative Assembly, 1 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

The Petition of the Clergy and of the Catholic Population of the District of Tumberumba,—

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

That your Petitioners respectfully represent to your Honorable House the inviolability of the Trust by which the lands called the Church and School Estates have been devoted to the promotion of Religion and of Public Education.

That your Petitioners are justified in their claim to have this Trust considered inviolable by the practice of many years, by the opinions of many eminent lawyers of this country, and by the formal opinion of the Imperial Law Officers recently delivered, with full knowledge of the case, and in answer to authoritative inquiry.

Your Petitioners therefore pray that, in any further legislation in this matter, there may be respected, as they understand the Bill presently before your Honorable House does respect, the inviolability of the Trust under which the said lands are devoted to the promotion of Religion and Education.

And your Petitioners will ever pray, &c.

[Here follow 29 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CHURCH AND SCHOOL ESTATES.
(PETITION—DISTRICT OF MUDGEES.)

*Received by the Legislative Assembly, 1 July, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

The Petition of the Clergy and of the Catholic Population of the District of
Mudgee,—

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

That your Petitioners respectfully represent to your Honorable House the
inviolability of the Trust by which the lands called the Church and School Estates have
been devoted to the promotion of Religion and of Public Education.

That your Petitioners are justified in their claim to have this Trust considered
inviolable by the practice of many years, by the opinions of many eminent lawyers of this
country, and by the formal opinion of the Imperial Law Officers recently delivered, with
full knowledge of the case, and in answer to authoritative inquiry.

Your Petitioners therefore pray that, in any further legislation in this matter, there
may be respected, as they understand the Bill presently before your Honorable House does
respect, the inviolability of the Trust under which the said lands are devoted to the promotion
of Religion and Education.

And your Petitioners will ever pray, &c.

[Here follow 73 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CHURCH AND SCHOOL ESTATES.
(PETITION—DISTRICT OF BRISBANE WATER—No. 1.)

Received by the Legislative Assembly, 1 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

The Petition of the Clergy and of the Catholic Population of the District of Brisbane Water,—

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

That your Petitioners respectfully represent to your Honorable House the inviolability of the Trust by which the lands called the Church and School Estates have been devoted to the promotion of Religion and of Public Education.

That your Petitioners are justified in their claim to have this Trust considered inviolable by the practice of many years, by the opinions of many eminent lawyers of this country, and by the formal opinion of the Imperial Law Officers recently delivered, with full knowledge of the case, and in answer to authoritative inquiry.

Your Petitioners therefore pray that, in any further legislation in this matter, there may be respected, as they understand the Bill presently before your Honorable House does respect, the inviolability of the Trust under which the said lands are devoted to the promotion of Religion and Education.

And your Petitioners will ever pray, &c.

[Here follow 55 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CHURCH AND SCHOOL ESTATES.

(PETITION—DISTRICT OF BRISBANE WATER—No. 2.)

Received by the Legislative Assembly, 1 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

The Petition of the Clergy and of the Catholic Population of the District of Brisbane Water,—

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

HUMBLY SHEWETH:—

That your Petitioners respectfully represent to your Honorable House the inviolability of the Trust by which the lands called the Church and School Estates have been devoted to the promotion of Religion and of Public Education.

That your Petitioners are justified in their claim to have this Trust considered inviolable by the practice of many years, by the opinions of many eminent lawyers of this country, and by the formal opinion of the Imperial Law Officers recently delivered, with full knowledge of the case, and in answer to authoritative inquiry.

Your Petitioners therefore pray that, in any further legislation in this matter, there may be respected, as they understand the Bill presently before your Honorable House does respect, the inviolability of the Trust under which the said lands are devoted to the promotion of Religion and Education.

And your Petitioners will ever pray, &c.

[Here follow 107 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CHURCH AND SCHOOL ESTATES.

(PETITION—DISTRICT OF WOLLOMBI.)

Received by the Legislative Assembly, 1 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

The Petition of the Clergy and of the Catholic Population of the District of Wollombi,—

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

That your Petitioners respectfully represent to your Honorable House the inviolability of the Trust by which the lands called the Church and School Estates have been devoted to the promotion of Religion and of Public Education.

That your Petitioners are justified in their claim to have this Trust considered inviolable by the practice of many years, by the opinions of many eminent lawyers of this country, and by the formal opinion of the Imperial Law Officers recently delivered, with full knowledge of the case, and in answer to authoritative inquiry.

Your Petitioners therefore pray that, in any further legislation in this matter, there may be respected, as they understand the Bill presently before your Honorable House does respect, the inviolability of the Trust under which the said lands are devoted to the promotion of Religion and Education.

And your Petitioners will ever pray, &c.

[Here follow 112 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CHURCH AND SCHOOL ESTATES.
(PETITION—DISTRICT OF RAYMOND TERRACE.)

*Received by the Legislative Assembly, 1 July, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

The Petition of the Clergy and of the Catholic Population of the District of
Raymond Terrace,—

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

That your Petitioners respectfully represent to your Honorable House the
inviolability of the Trust by which the lands called the Church and School Estates have been
devoted to the promotion of Religion and of Public Education.

That your Petitioners are justified in their claim to have this Trust considered
inviolable by the practice of many years, by the opinions of many eminent lawyers of this
country, and by the formal opinion of the Imperial Law Officers recently delivered, with
full knowledge of the case, and in answer to authoritative inquiry.

Your Petitioners therefore pray that, in any further legislation in this matter, there
may be respected, as they understand the Bill presently before your Honorable House does
respect, the inviolability of the Trust under which the said lands are devoted to the promotion
of Religion and Education.

And your Petitioners will ever pray, &c.

[Here follow 173 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CHURCH AND SCHOOL ESTATES.
(PETITION—DISTRICT OF BATHURST.)

*Received by the Legislative Assembly, 1 July, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

The Petition of the Clergy and of the Catholic Population of the District of
Bathurst,—

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

That your Petitioners respectfully represent to your Honorable House the
inviolability of the Trust by which the lands called the Church and School Estates have
been devoted to the promotion of Religion and of Public Education.

That your Petitioners are justified in their claim to have this Trust considered
inviolable by the practice of many years, by the opinions of many eminent lawyers of this
country, and by the formal opinion of the Imperial Law Officers, recently delivered, with
full knowledge of the case, and in answer to authoritative inquiry.

Your Petitioners therefore pray that, in any further legislation in this matter, there
may be respected, as they understand the Bill presently before your Honorable House does
respect, the inviolability of the Trust under which the said lands are devoted to the promotion
of Education and Religion.

And your Petitioners will ever pray, &c.

[Here follow 258 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CHURCH AND SCHOOL ESTATES.
(PETITION—DISTRICT OF WELLINGTON.)

*Received by the Legislative Assembly, 1 July, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

The Petition of the Clergy and the Catholic Population of the District of
Wellington,—

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

HUMBLY SHEWETH:—

That your Petitioners respectfully represent to your Honorable House the
inviolability of the Trust by which the Lands called the Church and School Estates have been
devoted to the promotion of Religion and Public Education.

That your Petitioners are justified in their claim to have this Trust considered
inviolable by the practice of many years, by the opinions of many eminent lawyers of this
country, and by the formal opinion of the Imperial Law Officers recently delivered, with full
knowledge of the case, and in answer to authoritative inquiry.

Your Petitioners therefore pray that, in any further legislation in this matter, there
may be respected, as they understand the Bill presently before your Honorable House does
respect, the inviolability of the Trust under which the said lands are devoted to the promotion
of Religion and Education.

And your Petitioners will ever pray, &c.

[Here follow 26 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CHURCH AND SCHOOL ESTATES.

(PETITION—DISTRICT OF QUEANBEYAN.)

Received by the Legislative Assembly, 1 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

The Petition of the Clergy and of the Catholic Population of the District of Queanbeyan,—

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

That your Petitioners respectfully represent to your Honorable House the inviolability of the Trust by which the lands called the Church and School Estates have been devoted to the promotion of Religion and of Public Education.

That your Petitioners are justified in their claim to have this Trust considered inviolable by the practice of many years, by the opinions of many eminent lawyers of this country, and by the formal opinion of the Imperial Law Officers recently delivered, with full knowledge of the case, and in answer to authoritative inquiry.

Your Petitioners therefore pray that, in any further legislation in this matter, there may be respected, as they understand the Bill presently before your Honorable House does respect, the inviolability of the Trust under which the said lands are devoted to the promotion of Religion and Education.

And your Petitioners will ever pray, &c.

[Here follow 224 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CHURCH AND SCHOOL ESTATES.

(PETITION—DISTRICT OF BROULEE.)

Received by the Legislative Assembly, 1 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

The Petition of the Clergy and of the Catholic Population of the District of Broulee,—

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

That your Petitioners respectfully represent to your Honorable House the inviolability of the Trust by which the lands called the Church and School Estates have been devoted to the promotion of Religion and of Public Education.

That your Petitioners are justified in their claim to have this Trust considered inviolable by the practice of many years, by the opinions of many eminent lawyers of this country, and by the formal opinion of the Imperial Law Officers recently delivered, with full knowledge of the case, and in answer to authoritative inquiry.

Your Petitioners therefore pray that, in any further legislation in this matter, there may be respected, as they understand the Bill presently before your Honorable House does respect, the inviolability of the Trust under which the said lands are devoted to the promotion of Religion and Education.

And your Petitioners will ever pray, &c.

[Here follow 85 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CHURCH AND SCHOOL ESTATES.
(PETITION—DISTRICT OF MURRUMBIDGEE.)

Received by the Legislative Assembly, 1 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

The Petition of the Clergy and of the Catholic Population of the District of Murrumbidgee,—

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

That your Petitioners respectfully represent to your Honorable House the inviolability of the Trust by which the lands called the Church and School Estates have been devoted to the promotion of Religion and of Public Education.

That your Petitioners are justified in their claim to have this Trust considered inviolable by the practice of many years, by the opinions of many eminent lawyers of this country, and by the formal opinion of the Imperial Law Officers recently delivered, with full knowledge of the case, and in answer to authoritative inquiry.

Your Petitioners therefore pray that, in any further legislation in this matter, there may be respected, as they understand the Bill presently before your Honorable House does respect, the inviolability of the Trust under which the said lands are devoted to the promotion of Religion and Education.

And your Petitioners will ever pray, &c.

[Here follow 35 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CHURCH AND SCHOOL ESTATES.

(PETITION—DISTRICT OF BRAIDWOOD.)

Received by the Legislative Assembly, 20 June, 1862, and Printed under the Sessional Order of 4 June, 1862.

The Petition of the Clergy and of the Catholic Population of the District of Braidwood,—

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

HUMBLY SHEWETH :—

That your Petitioners respectfully represent to your Honorable House the inviolability of the Trust by which the lands called the Church and School Estates have been devoted to the promotion of Religion and of Public Education.

That your Petitioners are justified in their claim to have this Trust considered inviolable by the practice of many years, by the opinions of many eminent lawyers of this country, and by the formal opinion of the Imperial Law Officers recently delivered, with full knowledge of the case, and in answer to authoritative inquiry.

Your Petitioners therefore pray that, in any further legislation in this matter, there may be respected, as they understand the Bill presently before your Honorable House does respect, the inviolability of the Trust under which the said lands are devoted to the promotion of Religion and Education.

And your Petitioners will ever pray, &c.

[Here follow 256 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CHURCH AND SCHOOL ESTATES.
(PETITION—DISTRICT OF BRAIDWOOD.)

Received by the Legislative Assembly, 1 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

The Petition of the Catholic Inhabitants and Gentry of the District of Braidwood,—

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

HUMBLY SHEWETH :—

That your Petitioners respectfully represent to your Honorable House the inviolability of the Trust by which the lands called the Church and School Estates have been devoted to the promotion of Religion and of Public Education.

That your Petitioners are justified in their claim to have this Trust considered inviolable by the practice of many years, by the opinions of many eminent lawyers of this country, and by the formal opinion of the Imperial Law Officers recently delivered, with full knowledge of the case, and in answer to authoritative inquiry.

Your Petitioners therefore pray that, in any further legislation in this matter, there may be respected, as they understand the Bill presently before your Honorable House does respect, the inviolability of the Trust under which the said lands are devoted to the promotion of Religion and Education.

And your Petitioners will ever pray, &c.

[Here follow 140 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CHURCH AND SCHOOL ESTATES.

(PETITION—DISTRICT OF MONARO.)

Received by the Legislative Assembly, 1 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

The Petition of the R. Catholics of the District of Monaro,—

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

HUMBLY SHEWETH :—

That your Petitioners respectfully represent to your Honorable House the inviolability of the Trust by which the lands called the Church and School Estates have been devoted to the promotion of Religion and of Public Education.

That your Petitioners are justified in their claim to have this Trust considered inviolable by the practice of many years, by the opinions of many eminent lawyers of this country, and by the formal opinion of the Imperial Law Officers recently delivered, with full knowledge of the case, and in answer to authoritative inquiry.

Your Petitioners therefore pray that, in any further legislation in this matter, there may be respected, as they understand the Bill presently before your Honorable House does respect, the inviolability of the Trust under which the said lands are devoted to the promotion of Religion and Education.

And your Petitioners will ever pray, &c.

[Here follow 71 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CHURCH AND SCHOOL ESTATES.

(PETITION—DISTRICT OF CASSILIS.)

Received by the Legislative Assembly, 1 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

The Petition of the Clergy and of the Catholic Population of the District of Cassilis,—

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

That your Petitioners respectfully represent to your Honorable House the inviolability of the Trust by which the lands called the Church and School Estates have been devoted to the promotion of Religion and of Public Education.

That your Petitioners are justified in their claim to have this Trust considered inviolable by the practice of many years, by the opinions of many eminent lawyers of this country, and by the formal opinion of the Imperial Law Officers recently delivered, with full knowledge of the case, and in answer to authoritative inquiry.

Your Petitioners therefore pray that, in any further legislation in this matter, there may be respected, as they understand the Bill presently before your Honorable House does respect, the inviolability of the Trust under which the said lands are devoted to the promotion of Religion and Education.

And your Petitioners will ever pray, &c.

[Here follow 19 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CHURCH AND SCHOOL ESTATES.

(PETITION—DISTRICT OF GOULBURN.)

Received by the Legislative Assembly, 1 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

The Petition of the Clergy and of the Catholic Population of the District of Goulburn,—

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

That your Petitioners respectfully represent to your Honorable House the inviolability of the Trust by which the lands called the Church and School Estates have been devoted to the promotion of Religion and of Public Education.

That your Petitioners are justified in their claim to have this Trust considered inviolable by the practice of many years, by the opinions of many eminent lawyers of this country, and by the formal opinion of the Imperial Law Officers recently delivered, with full knowledge of the case, and in answer to authoritative inquiry.

Your Petitioners therefore pray that, in any further legislation in this matter, there may be respected, as they understand the Bill presently before your Honorable House does respect, the inviolability of the Trust under which the said lands are devoted to the promotion of Religion and Education.

And your Petitioners will ever pray, &c.

[Here follow 264 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CHURCH AND SCHOOL ESTATES.
(PETITION—DISTRICT OF YASS.)

*Received by the Legislative Assembly, 20 June, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

The Petition of the Clergy and of the Catholic Population of the District of Yass,—
To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled,
HUMBLY SHEWETH :—

That your Petitioners respectfully represent to your Honorable House the
inviolability of the Trust by which the lands called the Church and School Estates have
been devoted to the promotion of Religion and of Public Education.

That your Petitioners are justified in their claim to have this Trust considered
inviolable by the practice of many years, by the opinions of many eminent lawyers of this
country, and by the formal opinion of the Imperial Law Officers recently delivered, with
full knowledge of the case, and in answer to authoritative inquiry.

Your Petitioners therefore pray that, in any further legislation in this matter, there
may be respected, as they understand the Bill presently before your Honorable House does
respect, the inviolability of the Trust under which the said lands are devoted to the
promotion of Religion and Education.

And your Petitioners will ever pray, &c.

[Here follow 76 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CHURCH AND SCHOOL ESTATES.
(PETITION—DISTRICT OF ILLAWARRA.)

*Received by the Legislative Assembly, 20 June, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

The Petition of the Clergy and of the Catholic Population of the District of
Illawarra,—

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

HUMBLY SHEWETH :—

That your Petitioners respectfully represent to your Honorable House the
inviolability of the Trust by which the lands called the Church and School Estates have
been devoted to the promotion of Religion and of Public Education.

That your Petitioners are justified in their claim to have this Trust considered
inviolable by the practice of many years, by the opinions of many eminent lawyers of this
country, and by the formal opinion of the Imperial Law Officers recently delivered, with
full knowledge of the case, and in answer to authoritative inquiry.

Your Petitioners therefore pray that, in any further legislation in this matter, there
may be respected, as they understand the Bill presently before your Honorable House does
respect, the inviolability of the Trust under which the said lands are devoted to the promotion
of Religion and Education.

And your Petitioners will ever pray, &c.

[Here follow 311 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CHURCH AND SCHOOL ESTATES.

(PETITION—DISTRICT OF PETERSHAM.)

Received by the Legislative Assembly, 20 June, 1862, and Printed under the Sessional Order of 4 June, 1862.

The Petition of the Clergy and of the Catholic Population of the District of Petersham,—

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

That your Petitioners respectfully represent to your Honorable House the inviolability of the Trust by which the lauds called the Church and School Estates have been devoted to the promotion of Religion and of public Education.

That your Petitioners are justified in their claim to have this Trust considered inviolable by the practice of many years, by the opinions of many eminent lawyers of this country, and by the formal opinion of the Imperial Law Officers recently delivered, with full knowledge of the case, and in answer to authoritative inquiry.

Your Petitioners therefore pray that, in any further legislation in this matter, there may be respected, as they understand the Bill presently before your Honorable House does respect, the inviolability of the Trust under which the said lands are devoted to the promotion of Religion and Education.

And your Petitioners will every pray, &c.

[Here follow 57 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CHURCH AND SCHOOL ESTATES.

(PETITION—DISTRICTS OF CAMPBELLTOWN AND MENANGLE.)

*Received by the Legislative Assembly, 20 June, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

The Petition of the Clergy and of the Catholic Population of the Districts of
Campbelltown and Menangle,—

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

That your Petitioners respectfully represent to your Honorable House the
inviolability of the Trust by which the lands called the Church and School Estates have
been devoted to the promotion of Religion and of Public Education.

That your Petitioners are justified in their claim to have this Trust considered
inviolable by the practice of many years, by the opinions of many eminent lawyers of this
country, and by the formal opinion of the Imperial Law Officers recently delivered, with
full knowledge of the case, and in answer to authoritative inquiry.

Your Petitioners therefore pray that, in any further legislation in this matter, there
may be respected, as they understand the Bill presently before your Honorable House does
respect, the inviolability of the Trust under which the said lands are devoted to the promotion
of Religion and Education.

And your Petitioners will ever pray, &c.

[Here follow 207 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CHURCH AND SCHOOL ESTATES.

(PETITION—DISTRICT OF APPIN.)

Received by the Legislative Assembly, 20 June, 1862, and Printed under the Sessional Order of 4 June, 1862.

The Petition of the Clergy and of the Catholic Population of the District of Appin,—

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

That your Petitioners respectfully represent to your Honorable House the inviolability of the Trust by which the lands called the Church and School Estates have been devoted to the promotion of Religion and of Public Education.

That your Petitioners are justified in their claim to have this Trust considered inviolable by the practice of many years, by the opinions of many eminent lawyers of this country, and by the formal opinion of the Imperial Law Officers recently delivered, with full knowledge of the case, and in answer to authoritative inquiry.

Your Petitioners therefore pray that, in any further legislation in this matter, there may be respected, as they understand the Bill presently before your Honorable House does respect, the inviolability of the Trust under which the said lands are devoted to the promotion of Religion and Education.

And your Petitioners will ever pray, &c.

[Here follow 90 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CHURCH AND SCHOOL ESTATES.

(PETITION—DISTRICT OF RYDE.)

*Received by the Legislative Assembly, 20 June, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

The Petition of the Clergy and of the Catholic Population of the District of
Ryde,—

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

HUMBLY SHEWETH:—

That your Petitioners respectfully represent to your Honorable House the
inviolability of the Trust by which the lands called the Church and School Estates have
been devoted to the promotion of Religion and of Public Education.

That your Petitioners are justified in their claim to have this Trust considered
inviolable by the practice of many years, by the opinions of many eminent lawyers of this
country, and by the formal opinion of the Imperial Law Officers, recently delivered, with
full knowledge of the case, and in answer to authoritative inquiry.

Your Petitioners therefore pray that, in any further legislation in this matter, there
may be respected, as they understand the Bill presently before your Honorable House does
respect, the inviolability of the Trust under which the said lands are devoted to the promotion
of Religion and Education.

And your Petitioners will ever pray, &c.

[*Here follow 49 Signatures.*]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CHURCH AND SCHOOL ESTATES.

(PETITION—DISTRICT OF BERRIMA.)

Received by the Legislative Assembly, 20 June, 1862, and Printed under the Sessional Order of 4 June, 1862.

The Petition of the Clergy and of the Catholic Population of the District of Berrima,—

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

HUMBLY SHEWETH :—

That your Petitioners respectfully represent to your Honorable House the inviolability of the Trust by which the lands called the Church and School Estates have been devoted to the promotion of Religion and of Public Education.

That your Petitioners are justified in their claim to have this Trust considered inviolable by the practice of many years, by the opinions of many eminent lawyers of this country, and by the formal opinion of the Imperial Law Officers recently delivered, with full knowledge of the case, and in answer to authoritative inquiry.

Your Petitioners therefore pray that, in any further legislation in this matter, there may be respected, as they understand the Bill presently before your Honorable House does respect, the inviolability of the Trust under which the said lands are devoted to the promotion of Religion and Education.

And your Petitioners will ever pray, &c.

[*Here follow 129 Signatures.*]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CHURCH AND SCHOOL ESTATES.

(PETITION—DISTRICT OF THE SACRED HEART AND WAVERLEY.)

Received by the Legislative Assembly, 19 June, 1862, and Printed under the Sessional Order of 4 June, 1862.

The Petition of the Clergy and of the Catholic Population of the District of the Sacred Heart and Waverley,—

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

That your Petitioners respectfully represent to your Honorable House the inviolability of the Trust by which the lands called the Church and School Estates have been devoted to the promotion of Religion and Public Education.

That your Petitioners are justified in their claim to have this Trust considered inviolate by the practice of many years, by the opinions of many eminent lawyers of this country, and by the formal opinion of the Imperial Law Officers recently delivered, with full knowledge of the case, and in answer to authoritative inquiry.

Your Petitioners therefore pray that, in any further legislation in this matter, there may be respected, as they understand the Bill presently before your Honorable House does respect, the inviolability of the Trust under which the said lands are devoted to the promotion of Religion and Education.

And your Petitioners will ever pray, &c.

[Here follow 247 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CHURCH AND SCHOOL ESTATES.

(PETITION—DISTRICT OF NEPEAN.)

Received by the Legislative Assembly, 19 June, 1862, and Printed under the Sessional Order of 4 June, 1862.

The Petition of the Clergy and of the Catholic Population of the District of Nepean, residing at Greendale, Mulgoa, and Penrith,—

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

HUMBLY SHEWETH :—

That your Petitioners respectfully represent to your Honorable House the inviolability of the Trust by which the lands called the Church and School Estates have been devoted to the promotion of Religion and of Public Education.

That your Petitioners are justified in their claim to have this Trust considered inviolable by the practice of many years, by the opinions of many eminent lawyers of this country, and by the formal opinion of the Imperial Law Officers recently delivered, with full knowledge of the case, and in answer to authoritative inquiry.

Your Petitioners therefore pray that, in any further legislation in this matter, there may be respected, as they understand the Bill presently before your Honorable House does respect, the inviolability of the Trust under which the said lands are devoted to the promotion of Religion and Education.

And your Petitioners will ever pray, &c.

[Here follow 105 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CHURCH AND SCHOOL ESTATES.

(PETITION—DISTRICT OF WEST MAITLAND.)

*Received by the Legislative Assembly, 17 June, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

The Petition of the Clergy and of the Catholic Population of the District of
West Maitland,—

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

HUMBLY SHEWETH :—

That your Petitioners respectfully represent to your Honorable House the
inviolability of the Trust by which the lands called the Church and School Estates have
been devoted to the promotion of Religion and of Public Education.

That your Petitioners are justified in their claim to have this Trust considered
inviolable by the practice of many years, by the opinions of many eminent lawyers of this
country, and by the formal opinion of the Imperial Law Officers recently delivered, with
full knowledge of the case, and in answer to authoritative inquiry.

Your Petitioners therefore pray that, in any further legislation in this matter, there
may be respected, as they understand the Bill presently before your Honorable House does
respect, the inviolability of the Trust under which the said lands are devoted to the promotion
of Religion and Education.

And your Petitioners will ever pray, &c.

[Here follow 284 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CHURCH AND SCHOOL ESTATES.

(PETITION—DISTRICT OF PARRAMATTA.)

Received by the Legislative Assembly, 17 June, 1862, and Printed under the Sessional Order of 4 June, 1862.

The Petition of the Clergy and of the Catholic Population of the District of Parramatta,—

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

HUMBLY SHEWETH :—

That your Petitioners respectfully represent to your Honorable House the inviolability of the Trust by which the lands called the Church and School Estates have been devoted to the promotion of Religion and of Public Education.

That your Petitioners are justified in their claim to have this Trust considered inviolable by the practice of many years, by the opinions of many eminent lawyers of this country, and by the formal opinion of the Imperial Law Officers recently delivered, with full knowledge of the case, and in answer to authoritative inquiry.

Your Petitioners therefore pray that, in any further legislation in this matter, there may be respected, as they understand the Bill presently before your Honorable House does respect, the inviolability of the Trust under which the said lands are devoted to the promotion of Religion and Education.

And your Petitioners will ever pray, &c.

[Here follow 392 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CHURCH AND SCHOOL ESTATES.

(PETITION—DISTRICT OF ST. MARY'S CATHEDRAL, SYDNEY.)

*Received by the Legislative Assembly, 11 June, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

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

The Petition of the Clergy and of the Catholic Population of the District of
St. Mary's Cathedral, Sydney,—

HUMBLY SHEWETH :—

That your Petitioners respectfully represent to your Honorable House the
inviolability of the Trust by which the lands called the Church and School Estates have
been devoted to the promotion of Religion and of Public Education.

That your Petitioners are justified in their claim to have this Trust considered
inviolable by the practice of many years, by the opinions of many eminent lawyers of this
country, and by the formal opinion of the Imperial Law Officers recently delivered, with
full knowledge of the case, and in answer to authoritative inquiry.

Your Petitioners therefore pray that, in any further legislation in this matter, there
may be respected, as they understand the Bill presently before your Honorable House does
respect, the inviolability of the Trust under which the said lands are devoted to the promotion
of Religion and Education.

And your Petitioners will ever pray, &c.

[Here follow 519 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CHURCH AND SCHOOL ESTATES.

(PETITION—DISTRICT OF ST. PATRICK, SYDNEY.)

Received by the Legislative Assembly, 10th June, 1862, and Printed under the Sessional Order of 4th June, 1862.

The Petition of the Clergy and of the Catholic Population of the District of St. Patrick, Sydney,—

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

That your Petitioners respectfully represent to your Honorable House the inviolability of the Trust by which the lands called the Church and School Estates have been devoted to the promotion of Religion and of Public Education.

That your Petitioners are justified in their claim to have this Trust considered inviolable by the practice of many years, by the opinions of many eminent lawyers of this country, and by the formal opinion of the Imperial Law Officers recently delivered, with the full knowledge of the case, and in answer to authoritative inquiry.

Your Petitioners therefore pray that, in any further legislation in this matter, there may be respected, as they understand the Bill presently before your Honorable House does respect, the inviolability of the Trust under which the said lands are devoted to the promotion of Religion and Education.

And your Petitioners will ever pray, &c.

[Here follow 395 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CHURCH AND SCHOOL ESTATES.

(PETITION—DISTRICT OF ST. BENEDICT'S, SYDNEY.)

Received by the Legislative Assembly, 10 June, 1862, and Printed under the Sessional Order of 4 June, 1862.

The Petition of the Clergy and of the Catholic Population of the District of St. Benedict's, Sydney,—

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

HUMBLY SHEWETH :—

That your Petitioners respectfully represent to your Honorable House the inviolability of the Trust by which the lands called the Church and School Estates have been devoted to the promotion of Religion and of Public Education.

That your Petitioners are justified in their claim to have this Trust considered inviolable by the practice of many years, by the opinions of many eminent lawyers of this country, and by the formal opinion of the Imperial Law Officers recently delivered, with full knowledge of the case, and in answer to authoritative inquiry.

Your Petitioners therefore pray that, in any further legislation in this matter, there may be respected, as they understand the Bill presently before your Honorable House does respect, the inviolability of the Trust under which the said lands are devoted to the promotion of Religion and Education.

And your Petitioners will ever pray, &c.

[Here follow 258 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CHURCH AND SCHOOL ESTATES.

(PETITION—DISTRICT OF LIVERPOOL.)

Received by the Legislative Assembly, 10th June, 1862, and Printed under the Sessional Order of 4th June, 1862.

The Petition of the Clergy and of the Catholic Population of the District of Liverpool,—

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

HUMBLY SHEWETH :—

That your Petitioners respectfully represent to your Honorable House the inviolability of the Trust by which the lands called the Church and School Estates have been devoted to the promotion of Religion and of Public Education.

That your Petitioners are justified in their claim to have this Trust considered inviolable by the practice of many years, by the opinions of many eminent lawyers of this country, and by the formal opinion of the Imperial Law Officers recently delivered, with the full knowledge of the case, and in answer to authoritative inquiry.

Your Petitioners therefore pray that, in any further legislation in this matter, there may be respected, as they understand the Bill presently before your Honorable House does, respect, the inviolability of the Trust under which the said lands are devoted to the promotion of Religion and Education.

And your Petitioners will ever pray, &c.

[Here follow 71 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CHURCH AND SCHOOL ESTATES.

(PETITION—DISTRICT OF PICTON.)

*Received by the Legislative Assembly, 11 June, 1862, and Printed under the Sessional
• Order of 4 June, 1862.*

The Petition of the Clergy and of the Catholic Population of the District of
Picton,—

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

HUMBLY SHEWETH :—

That your Petitioners respectfully represent to your Honorable House the
inviolability of the Trust by which the lands called the Church and School Estates have
been devoted to the promotion of Religion and of Public Education.

That your Petitioners are justified in their claim to have this Trust considered
inviolable by the practice of many years, by the opinions of many eminent lawyers of this
country, and by the formal opinion of the Imperial Law Officers recently delivered, with
full knowledge of the case, and in answer to authoritative inquiry.

Your Petitioners therefore pray that, in any further legislation in this matter, there
may be respected, as they understand the Bill presently before your Honorable House does
respect, the inviolability of the Trust under which the said lands are devoted to the promotion
of Religion and Education.

And your Petitioners will ever pray, &c.

[Here follow 103 Signatures.]

1862.

LEGISLATIVE ASSEMBLY,
NEW SOUTH WALES.

CHURCH AND SCHOOL LANDS BILL.

(ILLAWARRA, No. 1.)

Received by the Legislative Assembly, 2 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Residents of Illawarra,—

SHewETH:—

That your Petitioners are desirous of seeing all connection between the State and Religion in this Colony severed, believing that such connection is an anomaly, in a country where there are so many different sects and creeds, all of which have an equal right to support, if the principle of State support to Religion is acknowledged as public policy.

Therefore your Petitioners are glad to observe, that His Excellency's advisers have submitted a measure to provide for the sale of the lands hitherto known as Church and School Lands, for the purposes of Education generally in this Colony.

Your Petitioners therefore pray your Honorable House to pass the measure now before you, provided the receipts of such lands be devoted exclusively to aid in the diffusion of non-sectarian Education amongst the youth of this country.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 51 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CHURCH AND SCHOOL LANDS BILL.

(ILLAWARRA—No. 2.)

Received by the Legislative Assembly, 2 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Residents of Illawarra,—

SHEWETH :—

That your Petitioners are desirous of seeing all connection between the State and Religion in the Colony severed, believing that such connection is an anomaly in a country where there are so many different sects and creeds, all of which have an equal right to support, if the principle of State support to Religion is acknowledged as public policy.

Therefore, your Petitioners are glad to observe that His Excellency's advisers have submitted a measure to provide for the sale of the Lands hitherto known as Church and School Lands, for the purposes of Education generally in this Colony.

Your Petitioners therefore pray your Honorable House to pass the measure now before you, provided the proceeds of such Lands be devoted exclusively to aid in the diffusion of non-sectarian Education amongst the youth of this country.

And your Petitioners, as in duty bound, will ever pray, &c.

[Here follow 74 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CHURCH AND SCHOOL LANDS BILL.

(PETITION RELATIVE TO.)

Received by the Legislative Assembly, 18 June, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of the Citizens of Sydney, adopted at a Public Meeting, held at the Temperance Hall, Pitt-street, on Tuesday evening, the 17th day of June, 1862,—

RESPECTFULLY SHEWETH:—

That your Petitioners view with considerable alarm the Bill now before your Honorable House, introduced by Mr. Secretary Robertson, and intituled "*A Bill to make further provision respecting the Church and School Lands.*"

That your Petitioners protest against the passing of the said Bill,—

- 1st. Because it provides for the continuance of "State Aid to Religion," by means of a large territorial endowment out of the best agricultural lands of the Colony; and,
- 2nd. Because of its unconstitutional character, in proposing to establish, out of the sale or lease of such lands, "a separate fund in the Treasury," to be kept apart from the Consolidated Revenue, and to be dealt with by the people's representatives in a mode entirely inconsistent with their legal and constitutional right to vote the whole public funds, without limitation or restraint, in such manner, and for such purposes, as they shall deem to be most conducive to the best interests of the community.

That your Petitioners desire to record their deliberate opinion that the only mode of dealing with the so-called "Church and School Lands," that will be satisfactory to this community, will be to bring the said lands, by means of a short enactment, within the provisions and operation of the existing Land Law of the Colony.

Your Petitioners, therefore, respectfully pray that the said Bill "to make further provision respecting the Church and School Lands" be not passed into law.

And your Petitioners, as in duty bound, will ever pray.

Signed by me, for and on behalf of the
Meeting, in pursuance of a Resolu-
tion to that effect,

B. MOUNTCASTLE,
Chairman.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CHURCH AND SCHOOL LANDS BILL.

(JABEZ BUNTING.)

Received by the Legislative Assembly, 1 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of the Electors of the Glebe, Sydney, adopted at a Public Meeting held at the University Hotel, Glebe, on Monday Evening, the 30th June, 1862,—

RESPECTFULLY SHEWETH :—

That your Petitioners view with considerable alarm the Bill now before your Honorable House, introduced by Mr. Secretary Robertson, and intituled "A Bill to make further provision respecting the Church and School Lands."

That your Petitioners protest against the passing of the said Bill, on the following grounds :—

- 1st. Because it provides for the continuance of State Aid to Religion, by means of a large territorial endowment out of the best agricultural lands of the Colony ; and—
- 2nd. Because of its unconstitutional character, in proposing to establish, out of the sale or lease of such lands "a separate fund in the Treasury," to be kept apart from the Consolidated Revenue, and to be dealt with by the people's representatives in a mode entirely inconsistent with their legal and constitutional right to vote the whole public funds, without limitation or restraint, in such manner and for such purposes as they shall deem to be most conducive to the best interests of the community.

That your Petitioners desire to record their deliberate opinion, that the only mode of dealing with the so called "Church and School Lands" that will be satisfactory to this community will be, to bring the said lands, by means of a short enactment, within the provisions and operation of the existing land law of the Colony.

Your Petitioners therefore respectfully pray that the said "Bill to make further provision respecting the Church and School Lands" be not passed into law.

And your Petitioners, as in duty bound, will ever pray.

JABEZ BUNTING,
Chairman, in the names and on behalf of
the Electors of the Glebe, in Public
Meeting assembled.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CHURCH AND SCHOOL LANDS BILL, AND GRANTS
FOR PUBLIC WORSHIP PROHIBITION BILL.
(PETITION FROM NEWCASTLE, RESPECTING.)

*Received by the Legislative Assembly, 9 July, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.
The Petition of the Inhabitants of Newcastle generally, in Public Meeting
assembled,—

HUMBLY SHEWETH :—

That in the opinion of your Petitioners any system of Religious Endowment, by the State, to any section of the Christian Church, is unsound in principle, and inimical to the best interests of both.

That the partial and inequitable system of Religious Endowment at present existing in this Colony does, in the opinion of your Petitioners, fail to discriminate between truth and error in the application of the public funds appropriated to this purpose; and thereby placing truth and error upon the same footing, practically mingles and confounds them.

Your Petitioners believing, also, that the endowing of several religious denominations, evidently and avowedly antagonistic, so far from realizing the object intended, has been the constant and fruitful source of alienation and dissension among the conscientious of every sect, and that, consequently, this endowment, as well as being an invidious, has been also an unprofitable expenditure of public money.

Your Petitioners therefore humbly, but earnestly, implore your Honorable House to reject the measure now before it denominated the "Church and School Lands Bill," as a measure which, in their opinion, is calculated to perpetuate State Aid to denominational purposes in its most obnoxious form, and to render nugatory the operation of another measure for the "Abolition of State Aid," likewise before your Honorable House, and which your Petitioners are solicitous should become law, with such provision as may be deemed necessary, as compensation for existing interests, and with such other amendments as to your Honorable House may seem fit, to secure the total abolition of State Aid for any denominational purposes whatever.

Your Petitioners, as in duty bound, will ever pray, &c.

[Here follow 373 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CHURCH AND SCHOOL LANDS BILL, AND GRANTS
FOR PUBLIC WORSHIP PROHIBITION BILL.

(PETITION—WALLSEND.)

*Received by the Legislative Assembly, 10 July, 1862, and Printed under the Sessional
Order of 4 June, 1862:*

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

The Petition of the Inhabitants of Wallsend, in Public Meeting assembled,—

HUMBLY SHEWETH:—

That in the opinion of your Petitioners, any system of Religious Endowment by the State, to any section of the Christian Church, is unsound in principle and inimical to the best interests of both.

That the partial and inequitable system of Religious Endowment at present existing in this Colony, does, in the opinion of your Petitioners, fail to discriminate between truth and error in the application of the public funds appropriated to this purpose; and thereby placing truth and error on the same footing, practically mingles and confounds them.

Your Petitioners believing also that the endowing of several Religious Denominations evidently and avowedly antagonistic, so far from realizing the object intended, has hitherto been the fruitful source of alienation and dissension among the conscientious of every sect, and consequently, an unprofitable as well as invidious expenditure of public money.

Your Petitioners, therefore, humbly but earnestly implore your Honorable House to reject the measure now before it denominated the "Church and School Lands Bill," as a measure, in their opinion, calculated to perpetuate State Aid in its most obnoxious form, and to render nugatory the operation of another measure for the "Abolition of State Aid" likewise before your Honorable House, and which your Petitioners are solicitous should become law, with such provisions as may be deemed necessary as compensation for existing interests, and with such amendments as to your Honorable House may seem fit for securing the total abolition of all kinds of State Aid for any Denominational purposes whatever.

And, as in duty bound, your Petitioners will ever pray, &c., &c., &c.

[Here follow 182 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.

(COLONISTS, AND MEMBERS OF CHURCH OF ENGLAND.)

Received by the Legislative Assembly, 27 June, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Colonists, and Members of the Church of England,—

RESPECTFULLY SHEWETH:—

1. That your Petitioners believe a large and increasing number of the residents in this Colony approve of State Aid to Religion, as sound in principle and beneficial in practice, and desire the increase of the grant in aid of religion secured by the Constitution Act, rather than its diminution or gradual abolition.

2. That, in the opinion of your Petitioners, a large majority of those persons who profess to disapprove of State Aid in principle, are also on principle strongly opposed to any plan for the abolition of State Aid which does not fully recognize, and amply provide for the vested rights of the present recipients of such aid from the public Revenue.

3. That your Petitioners would view with less alarm any plan for the abolition of State Aid, if time were allowed for the different religious bodies to meet the great expense of erecting their church buildings, and to provide some amount of endowments for the maintenance of religious worship; and that their repugnance to the gradual withdrawal of State Aid would be much diminished, if Parliament would sanction, in any way its wisdom might devise, some mode of encouraging private endowments in aid of religion; as for instance, the remitting a moiety of the value of land bought at public sale, from either the Church and School Estate or the Waste Lands of the Colony, when such land was bought *bonâ fide*, as endowment for the support of religion.

4. That your Petitioners, in the hope that some such encouragement to the endowment of religious worship by private individuals may be devised and sanctioned by Parliament, and with the desire that the question of State Aid may be finally settled, and all violent differences and disputes concerning it be brought to a close,—considering also the Bill introduced into your Honorable House, under the title of "Grants for Public Worship prohibition Bill," does fully recognize and amply provide for the vested rights of present recipients of State Aid,—are willing, whether they would individually prefer an increase of the present grant in aid of religion, or the permanent continuance of the present grant, or its gradual abolition, to unite in praying your Honorable House to pass the aforesaid Bill in its integrity, as a final settlement of this difficult and much disputed question.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 38 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(CERTAIN MEMBERS OF CHURCH OF ENGLAND.)

Received by the Legislative Assembly, 8 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Members of the Church of England,—

RESPECTFULLY SHEWETH:—

1. That your Petitioners believe a large and increasing number of the residents in this Colony approve of State Aid to religion, as sound in principle and beneficial in practice, and desire the increase of the grant in aid of religion secured by the Constitution Act, rather than its diminution or gradual abolition.

2. That, in the opinion of your Petitioners, a large majority of those persons who profess to disapprove of State Aid in principle are also, on principle, strongly opposed to any plan for the abolition of State Aid which does not fully recognize and amply provide for the vested rights of the present recipients of such aid from the public revenue.

3. That your Petitioners would view with less alarm any plan for the abolition of State Aid if time were allowed for the different religious bodies to meet the great expense of erecting their Church buildings, and to provide some amount of endowments for the maintenance of religious worship; and that their repugnance to the gradual withdrawal of State Aid would be much diminished if Parliament would sanction, in any way its wisdom might devise, some mode of encouraging private endowments in aid of religion—as, for instance, the remitting a moiety of the value of land bought at public sale, from either the Church and School Estates or the waste lands of the Colony, when such land was bought *bonâ fide* as endowment for the support of religion.

4. That your Petitioners, in the hope that some such encouragement to the endowment of religious worship by private individuals may be devised and sanctioned by Parliament, and with the desire that the question of State Aid may be finally settled, and all violent differences and disputes concerning it be brought to a close—considering also the Bill introduced into your Honorable House under the title of “Grants for Public Worship Prohibition Bill” does fully recognize and amply provide for the vested rights of present recipients of State Aid—are willing, whether they would individually prefer an increase of the present grant in aid of religion, or the permanent continuance of the present grant, or its gradual abolition, to unite in praying your Honorable House to pass the aforesaid Bill in its integrity, as a final settlement of this difficult and much disputed question.

And your Petitioners, as in duty bound, will ever pray, &c.

[Here follow 83 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(PETITION—TAMWORTH.)

Received by the Legislative Assembly, 1 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.
The humble Petition of the undersigned Inhabitants of Tamworth,—

RESPECTFULLY SHEWETH :—

That your Petitioners believe a large and increasing number of the residents in this Colony approve of State Aid to Religion, as sound in principle and beneficial in practice, and desire the increase of the grant in aid of religion secured by the Constitution Act, rather than its diminution or gradual abolition.

That, in the opinion of your Petitioners, a large majority of those persons who profess to disapprove of State Aid in principle, are also on principle strongly opposed to any plan for the abolition of State Aid which does not fully recognize, and amply provide for the vested rights of the present recipients of such aid from the public Revenue.

That your Petitioners would view with less alarm any plan for the abolition of State Aid, if time were allowed for the different religious bodies to meet the great expense of erecting their church buildings, and to provide some amount of endowments for the maintenance of religious worship; and that their repugnance to the gradual withdrawal of State Aid would be much diminished if Parliament would sanction, in any way its wisdom might devise, some mode of encouraging private endowments in aid of religion; as for instance, the remitting a moiety of the value of land bought at public sale from either the Church and School Estates or the Waste Lands of the Colony, when such land was bought *bona fide*, as endowment for the support of religion.

That your Petitioners, in the hope that some such encouragement to the endowment of religious worship by private individuals may be devised and sanctioned by Parliament, and with the desire that the question of State Aid may be finally settled, and all violent differences and disputes concerning it be brought to a close,—considering also the Bill introduced into your Honorable House, under the title of "Grants for Public Worship Prohibition Bill," does fully recognize, and amply provide for, the vested rights of present recipients of State Aid,—are willing, whether they would individually prefer an increase of the present grant in aid of religion, or the permanent continuance of the present grant, or its gradual abolition, to unite in praying your Honorable House to pass the aforesaid Bill in its integrity, as a final settlement of this difficult and much-disputed question.

And your Petitioners, as in duty bound, will ever pray, &c.

[Here follow 72 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(ILLAWARRA—No. 1.)

Received by the Legislative Assembly, 2 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Residents of the Electorate of Illawarra,—

SHEWETH:—

That your Petitioners observe with satisfaction, that a Bill has been laid before your Honorable House to deal with and settle the long-disputed question of State Aid to Religion, as provided for in Schedule C of the Constitution Act.

That your Petitioners, though firmly convinced of the impolicy of the grant under Schedule C, and also of its inefficacy in promoting true religion, and of its partial and unjust operation, nevertheless pray that your Honorable House will pass the measure now before it dealing with this question, as they firmly believe it to be an honorable and equitable compromise, by which the increasing feelings of jealousy, disunion, and heartburnings, amongst religionists in this Colony, will be greatly ameliorated, if not entirely removed, while every individual interest is held inviolate.

And your Petitioners, as in duty bound, will ever pray, &c., &c.

[Here follow 75 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.

(ILLAWARRA—No. 2.)

Received by the Legislative Assembly, 2 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Residents of Illawarra,—

SHewETH :—

That your Petitioners observe with satisfaction, that a Bill has been laid before your Honorable House to deal with and settle the long disputed question of State Aid to Religion, as provided for in Schedule C of the Constitution Act.

That your Petitioners, though firmly convinced of the impolicy of the grant under Schedule C, and also of its inefficiency in promoting true religion, and of its partial and unjust operation, nevertheless pray that your Honorable House will pass the measure now before it, dealing with this question as they firmly believe to be an honorable and equitable compromise, by which the increasing feelings of jealousy, disunion, and heart-burnings amongst religionists in this Colony will be greatly ameliorated, if not entirely removed, while every individual interest is held inviolable.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 51 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.

(SCOTS CHURCH, SYDNEY.)

Received by the Legislative Assembly, 2 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of the undersigned Elders and Committee of Management of the Scots Church, Sydney,—

HUMBLY SHEWETH:—

That for upwards of twenty years past, since the first of April, 1842, when your Petitioners, on behalf of the Congregation of the Scots Church, then numbering about a thousand persons, young and old, renounced all further support for their Minister from the public Treasury, they have supported the ordinances of religion from the voluntary efforts and contributions of the members and adherents exclusively.

That for the last four years of that period, your Petitioners have supported, on the same voluntary system, two Ministers as joint Pastors of the said Church and Congregation, and have never failed during that period to pay their stipulated salaries of £400 a year each, in full.

That your Petitioners are fully satisfied with this manner of supporting the ordinances of religion; and having perfect confidence in its sufficiency for the purpose, they desire to see it extended as speedily as possible all over the Colony.

Your Petitioners, therefore, humbly pray that your Honorable House will pass the Bill now submitted for the second reading, for the discontinuance of all further grants of money for the support of religion, from the public Treasury, making such provision for the present recipients of State Aid as to your Honorable House shall seem expedient and necessary.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 12 Signatures.]

Sydney, 1st July, 1862.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(NUNDELE, HANGING ROCK, AND PEEL RIVER GOLD FIELDS.)

Received by the Legislative Assembly, 8 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Residents on the Nundle, Hanging Rock, and Peel River Gold Fields,—

RESPECTFULLY SHEWETH :—

1. That your Petitioners believe a large and increasing number of the residents in this Colony approve of State Aid to religion, as sound in principle and beneficial in practice, and desire the increase of the grant in aid of religion secured by the Constitution Act, rather than its diminution or gradual abolition.

2. That, in the opinion of your Petitioners, a large majority of those persons who profess to disapprove of State Aid in principle are also, on principle, strongly opposed to any plan for the abolition of State Aid which does not fully recognize and amply provide for the vested rights of the present recipients of such aid from the public revenue.

3. That your Petitioners would view with less alarm any plan for the abolition of State Aid, if time were allowed for the different religious bodies to meet the great expense of erecting their Church buildings, and to provide some amount of endowments for the maintenance of religious worship; and that their repugnance to the gradual withdrawal of State Aid would be much diminished if Parliament would sanction, in any way its wisdom might devise, some mode of encouraging private endowments in aid of religion—as for instance, the remitting a moiety of the value of land bought at public sale, from either the Church and School Estates or the Waste Lands of the Colony, when such land was bought *bonâ fide* as endowment for the support of religion.

4. That your Petitioners, in the hope that some encouragement to the endowment of religious worship by private individuals may be devised and sanctioned by Parliament, and with the desire that the question of State Aid may be finally settled, and all violent differences and disputes concerning it be brought to a close—considering also that the Bill introduced into your Honorable House under the title of “Grants for Public Worship Prohibition Bill” does fully recognize and amply provide for the vested rights of present recipients of State Aid—arc willing, whether they would individually prefer an increase of the present grant in aid of religion, or the permanent continuance of the present grant, or its gradual abolition, to unite in praying your Honorable House to pass the aforesaid Bill in its integrity, as a final settlement of this difficult and much disputed question.

And your Petitioners, as in duty bound, will ever pray, &c.

[Here follow 171 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(MANNING RIVER.)

Received by the Legislative Assembly, 8 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Colonists, residents of the Manning River,—

RESPECTFULLY SHEWETH :—

1. That your Petitioners believe a large and increasing number of the residents of this Colony approve of State Aid to religion, as sound in principle and beneficial in practice, and desire the increase of the grant in aid of religion secured by the Constitution Act, rather than its diminution or gradual abolition.

2. That, in the opinion of your Petitioners, a large majority of those persons who profess to disapprove of State Aid in principle are also, on principle, strongly opposed to any plan for the abolition of State Aid which does not fully recognize and amply provide for the vested rights of the present recipients of such aid from the public revenue.

3. That your Petitioners would view with less alarm any plan for the abolition of State Aid if time were allowed for the different religious bodies to meet the great expense of erecting their Church buildings, and to provide some amount of endowments for the maintenance of religious worship; and that their repugnance to the gradual withdrawal of State Aid, would be much diminished if Parliament would sanction, in any way its wisdom might devise, some mode of encouraging private endowments in aid of religion—as, for instance, the remitting a moiety of the value of land bought at public sale, from either the Church and School Estates or the Waste Lands of the Colony, when land was bought *bonâ fide* as endowment for the support of religion.

4. That your Petitioners, in the hope that some such encouragement to the endowment of religious worship by private individuals may be devised and sanctioned by Parliament, and with the desire that the question of State Aid may be finally settled, and all violent differences and disputes concerning it be brought to a close—considering also the Bill introduced into your Honorable House under the title of “Grants for Public Worship Prohibition Bill” does fully recognize and amply provide for the vested rights of present recipients of State Aid—are willing, whether they would individually prefer an increase of the present grant in aid of religion, or the permanent continuance of the present grant, or its gradual abolition, to unite in praying your Honorable House to pass the aforesaid Bill in its integrity, as a final settlement of this difficult question, so much and so long disputed.

And your Petitioners, as in duty bound, will ever pray, &c.

[Here follow 175 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(MEMBERS OF PRESBYTERY OF SYDNEY.)

Received by the Legislative Assembly, 8 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of the undersigned Ministers and Elders, being Members of the
Presbytery of Sydney, in connection with the Synod of Eastern Australia,—

HUMBLY SHEWETH,—

That the system of indiscriminate religious endowments which exists in this Colony is utterly unsound in principle; inasmuch as, by extending countenance and aid to antagonistic creeds, it places truth and error upon the same footing, and thus practically denies that the former has any other claim for its support than must be conceded to the latter.

That the endowment of several religious denominations, evidently and avowedly antagonistic to each other, involves a wasteful expenditure of the public money.

That while professing to be an impartial one, the present system is in reality partial in its operation, a fruitful source of alienation and divisions, and places those denominations at a disadvantage who provide religious ministrations for themselves without the assistance of Government Aid.

That, in the opinion of your Petitioners, the total abolition of the present unscriptural system would be productive of good, and not of evil, to the interests of Religion.

That your Petitioners concur in the main principles of the Bill now before your Honorable House relating to this subject; and while they would not object to the giving of adequate compensation to the present recipients of State Aid for the loss of any rights they may have acquired, yet your Petitioners humbly submit that the future payment to them of their stipends, on the ground of continued service, would so far be a perpetuation of the present objectionable system.

Your Petitioners, therefore, pray your Honorable House to pass the said Bill, but with such alterations as may prevent the perpetuation of the present system.

And your Petitioners will ever pray, &c.

[Here follow 7 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(NEWTOWN AND ITS VICINITY.)

*Received by the Legislative Assembly, 8 July, 1862, and Printed under the Sessional Order
of 4 June, 1862.*

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

The humble Petition of the undersigned Residents of Newtown and its vicinity,—

RESPECTFULLY SHEWETH :—

That the mode of applying State Revenues to the support and propagation of religious and ecclesiastical systems, in use in this Colony, is contrary to the nature of religious truth, and destructive of its free operation, since it maintains the most palpable contradictions, and thus unsettles both belief and practice. That it is inexpedient and inefficient in the work of instructing the people. That true religion requires no such support.

That for these and many other reasons equally strong, but too numerous to be mentioned here, your Petitioners cannot but feel that the time is fully come for the total abolition of every form of State Aid to Religion in this Colony. In its main principles they approve of the Bill now before your Honorable House relating to the subject.

And your Petitioners most respectfully entreat your Honorable House to pass the said Bill unchanged in principle.

And your Petitioners, as in duty bound, will ever pray, &c.

[Here follow 62 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.

(PRIMITIVE METHODIST CONGREGATION AT NEWCASTLE.)

Received by the Legislative Assembly, 8 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of the undersigned Members and Adherents of the Primitive Methodist Congregation at Newcastle,—

HUMBLY SHEWETH :—

That the system of indiscriminate religious endowments which exists in this Colony is utterly unsound in principle, inasmuch as, by extending countenance and aid to antagonistic creeds, it places truth and error on the same footing, and thus practically denies that the former has any other claims for its support than must be conceded to the latter.

That the endowment of several religious denominations, and still more of denominations evidently and avowedly antagonistic to each other, involves a wasteful expenditure of the public money.

That while professing to be an impartial one, the present system is in reality partial in its operation, a fruitful source of alienation and division, and places at a disadvantage those denominations who provide religious ministrations for themselves without the assistance of Government aid.

That, in the opinion of your Petitioners, the abolition of this unscriptural system would be productive of good, and not of evil, to the interests of true religion.

That your Petitioners approve, in its main principle, of the Bill now before your Honorable House, relating to the subject; and while they would not object to an adequate compensation to the present recipients of Government aid for the loss of any rights they may have acquired, yet your Petitioners humbly submit that the future payment to them of their stipends, on the ground of continued service, would so far be a perpetuation of the present objectionable system.

Your Petitioners, therefore, pray your Honorable House to pass the said Bill, but with such alterations as may prevent the perpetuation of the present system.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 48 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(CITY OF SYDNEY AND SUBURBS.)

*Received by the Legislative Assembly, 8 July, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

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

The Humble Petition of the undersigned Residents of the City of Sydney and
Suburbs,—

RESPECTFULLY SHEWETH :—

That the mode of applying State Revenues to the support and propagation of religious and ecclesiastical systems in this Colony, is contrary to the nature of religious truth, and destructive of its free operation, since it maintains the most palpable contradictions, and thus unsettles both belief and practice. That it is inexpedient and inefficient in the work of instructing the people. That true religion requires no such support.

That for these and many other reasons equally strong, but too numerous to mention here, your Petitioners cannot but feel that the time is fully come for the total abolition of every form of State Aid to Religion in this Colony.

In its main principles they approve of the Bill now before your Honorable House relating to the subject. And your Petitioners most respectfully entreat your Honorable House to pass the said Bill, unchanged in principle.

And your Petitioners, as in duty bound, will ever pray, &c.

[Here follow 314 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(DISTRICT OF MUSWELLBROOK.)

*Received by the Legislative Assembly, 8 July, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

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

The humble Petition of the undersigned Members of the Church of England, and
others, in the District of Muswellbrook,—

RESPECTFULLY SHEWETH:—

That your Petitioners believe a large and increasing number of the residents
in this Colony approve of State Aid to Religion, as sound in principle and beneficial in
practice.

That in the opinion of your Petitioners, a large majority of those persons who
profess to disapprove of State Aid in principle are also strongly opposed to any plan for the
abolition of State Aid which does not fully recognize, and amply provide for, the vested rights
of the present recipients of such aid.

That your Petitioners desire that the question of State Aid may be finally settled,
and all violent differences and disputes concerning it be brought to a close. They consider
that the Bill introduced into your Honorable House, under the Title of "Grants for Public
Worship Prohibition Bill," does fully recognize and provide for the vested rights of present
recipients of State Aid, and are willing to unite in praying your Honorable House to pass
the aforesaid Bill in its integrity, as a final settlement of this difficult and much disputed
question.

And your Petitioners, as in duty bound, will ever pray, &c.

[Here follow 104 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(FREE PRESBYTERIAN CONGREGATION OF NEWCASTLE.)

Received by the Legislative Assembly, 8 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of the undersigned Members and Adherents of the Free Presbyterian
Congregation of Newcastle,—

HUMBLY SHEWETH:—

That the system of indiscriminate religious endowments which exists in this Colony is utterly unsound in principle, inasmuch as, by extending countenance and aid to antagonistic creeds, it places truth and error on the same footing, and thus practically denies that the former has any other claims for its support than must be conceded to the latter.

That the endowment of several religious denominations, and still more of denominations evidently and avowedly antagonistic to each other, involves a wasteful expenditure of the public moneys.

That while professing to be an impartial one, the present system is in reality partial in its operation, a fruitful source of alienation and division, and places at a disadvantage those denominations who provide religious ministrations for themselves without the assistance of Government Aid.

That, in the opinion of your Petitioners, the abolition of this unscriptural system would be productive of good, and not of evil, to the interests of true religion.

That your Petitioners approve in its main principle of the Bill now before your Honorable House relating to this subject; and while they would not object to an adequate compensation to the present recipients of Government Aid for the loss of any rights they may have acquired, yet your Petitioners humbly submit that the future payment to them of their stipends, on the ground of continued service, would so far be a perpetuation of the present objectionable system.

Your Petitioners, therefore, pray your Honorable House to pass the said Bill, but with such alterations as may prevent the perpetuation of the present system.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 90 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(FREE PRESBYTERIAN CONGREGATION, SHOALHAVEN.)

Received by the Legislative Assembly, 9 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

Unto the Honorable the Legislative Assembly of New South Wales.

The Petition of the undersigned Members and Adherents of the Free Presbyterian Congregation at Shoalhaven,—

HUMBLY SHEWETH:—

That the system of indiscriminate endowments which exists in this Colony is utterly unsound in principle, inasmuch as, by extending countenance and aid to antagonistic creeds, it places truth and error on the same footing, and thus practically denies that the former has any other claim for its support than must be conceded to the latter.

That the endowment of several religious denominations, and still more of denominations evidently and avowedly antagonistic to each other, involves a wasteful expenditure of the public money.

That, in the opinion of your Petitioners, the total abolition of this unscriptural system would be productive of good, and not of evil, to the interests of true religion.

That your Petitioners approve, in its main principle, of the Bill now before your Honorable House, relating to this subject; and while they would not object to an adequate compensation to the present recipients of Government Aid for the loss of any rights they may have acquired, yet your Petitioners humbly submit that the future payment of their stipends to them, on the ground of continued service, would be so far a perpetuation of the present objectionable system.

Your Petitioners, therefore, pray your Honorable House to pass the said Bill, but with such alterations as may prevent the perpetuation of the present system.

And your Petitioners will ever pray, &c.

[Here follow 105 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL,
(PRESBYTERIAN CONGREGATION, KIAMA.)

Received by the Legislative Assembly, 10 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of the undersigned Members and Adherents of the Free Presbyterian
Congregation at Kiama,—

HUMBLY SHEWETH:—

That the system of indiscriminate religious endowments which exists in this Colony is utterly unsound in principle, inasmuch as, by extending countenance and aid to antagonistic creeds, it places truth and error on the same footing, and thus practically denies that the former has any other claim for its support than must be conceded to the latter.

That the endowment of several religious denominations, and still more of denominations evidently and avowedly antagonistic to each other, involves a wasteful expenditure of the public money.

That while professing to be an impartial one, the present system is in reality partial in its operation, a fruitful source of alienation and division, and places at a disadvantage those denominations who provide religious ministrations for themselves without the assistance of Government aid.

That, in the opinion of your Petitioners, the total abolition of this unscriptural system would be productive of good, and not of evil, to the interests of true religion.

That your Petitioners approve, in its main principle, of the Bill now before your Honorable House, relating to this subject; and while they would not object to an adequate compensation to the present recipients of Government aid for the loss of any rights they may have acquired, yet your Petitioners humbly submit that the future payment to them of their stipends, on the ground of continued service, would so far be a perpetuation of the present objectionable system.

Your Petitioners, therefore, pray your Honorable House to pass the said Bill, but with such alterations as may prevent the perpetuation of the present system.

And your Petitioners will ever pray, &c.

[Here follow 68 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL,
(DISTRICT OF GOULBURN.)

*Received by the Legislative Assembly, 9 July, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

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

The humble Petition of the undersigned Inhabitants of the District of Goulburn,—

SHEWETH :—

That your Petitioners have heard with much satisfaction, that a Bill for the prohibition of Grants for Public Worship has been introduced into your Honorable House.

That your Petitioners respectfully submit, that the system of indiscriminate endowment of opposing creeds is in principle wrong, and pernicious in practice.

That your Petitioners further submit, that there is no reason to believe that the voluntary contributions of the people will be unable to meet the necessities of the country, as regards the supply of the ordinances of religion; that, on the contrary, the achievements of the voluntary system in England and in the Colonies fully justify the conviction that the religious necessities of the country will be quite as well supplied as they are under the present system.

For these and other reasons, your Petitioners humbly pray your Honorable House to pass into law the "Grants for Public Worship Prohibition Bill."

And your Petitioners, as in duty bound, will ever pray.

[Here follow 302 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(ASHFIELD AND ITS VICINITY.)

*Received by the Legislative Assembly, 9 July, 1862, and Printed under the Sessional Order
of 4 June, 1862.*

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

The Petition of the undersigned Electors, residents at Ashfield and its vicinity,—

RESPECTFULLY SHEWETH :—

That your Petitioners are assured that it is of great importance to the well-being of religion in this Colony, that the Bill to prohibit future grants to religion, now before Parliament, should become law, and do earnestly pray that your Honorable House will pass the said Bill.

And your Petitioners, as in duty bound, will ever pray, &c.

[Here follow 170 Signatures.]

Ashfield, 7th day of July, A.D. 1862.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(MUMMELL, DISTRICT OF GOULBURN.)

*Received by the Legislative Assembly, 9 July, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

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

The humble Petition of the undersigned Inhabitants of Mummell, District of
Goulburn,—

SHEWETH :—

That your Petitioners have heard with much satisfaction, that a Bill for the
prohibition of Grants for Public Worship has been introduced into your Honorable House.

That your Petitioners respectfully submit, that the system of indiscriminate endowment
of opposing creeds is in principle wrong, and pernicious in practice.

That your Petitioners further submit, that there is no reason to believe that the
voluntary contributions of Christian people will be unable to meet the necessities of the country,
as regards the supply of the ordinances of religion; that, on the contrary, the achieve-
ments of the voluntary system in England and in the Colonies fully justify the conviction
that the religious necessities of the country will be quite as well supplied as they are
under the present system.

For these and other reasons, your Petitioners humbly pray your Honorable House
to pass into law the "Grants for Public Worship Prohibition Bill."

And your Petitioners, as in duty bound, will ever pray.

[Here follow 38 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.

(B ISBANE WATER.)

Received by the Legislative Assembly, 10 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled. The humble Petition of the undersigned Colonists (or Members of the Church of England), at Brisbane Water,—

RESPECTFULLY SHEWETH :—

1. That your Petitioners believe a large and increasing number of the residents in this Colony approve of State Aid to Religion, as sound in principle and beneficial in practice, and desire the increase of the grant in aid of Religion secured by the Constitution Act, rather than its diminution or gradual abolition.

2. That, in the opinion of your Petitioners, a large majority of those persons who profess to disapprove of State Aid in principle, are also on principle strongly opposed to any plan for the abolition of State Aid which does not fully recognize, and amply provide for, the vested rights of the present recipients of such aid from the public Revenue.

3. That your Petitioners would view with less alarm any plan for the abolition of State Aid, if time were allowed for the different religious bodies to meet the great expense of erecting their church buildings, and to provide some amount of endowments for the maintenance of religious worship; and that their repugnance to the gradual withdrawal of State Aid would be much diminished, if Parliament would sanction, in any way its wisdom might devise, some mode of encouraging private endowments in aid of Religion; as for instance, the remitting a moiety of the value of land bought at public sale, from either the Church and School Estates or the Waste Lands of the Colony, when such land was bought bona fide, as endowment for the support of Religion.

4. That your Petitioners, in the hope that some such encouragement to the endowment of religious worship by private individuals may be devised and sanctioned by Parliament, and with the desire that the question of State Aid may be finally settled, and all violent differences and disputes concerning it be brought to a close,—considering also the Bill introduced into your Honorable House, under the title of "Grants for Public Worship Prohibition Bill," does fully recognize and amply provide for the vested rights of present recipients of State Aid,—are willing, whether they would individually prefer an increase of the present grant in aid of Religion, or the permanent continuance of the present grant, or its gradual abolition, to unite in praying your Honorable House to pass the aforesaid Bill in its integrity, as a final settlement of this difficult and much disputed question.

And your Petitioners, as in duty bound, will ever pray, &c.

[Here follow 130 Signatures.]

Gosford, 4 July, 1862.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.

(DISTRICT OF PATERSON.)

Received by the Legislative Assembly, 11 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Residents of the District of Paterson,—

RESPECTFULLY SHEWETH :—

1. That your Petitioners believe a large and increasing number of the residents in this Colony approve of State Aid to Religion, as sound in principle and beneficial in practice, and desire the increase of the grant in aid of religion secured by the Constitution Act, rather than its diminution or gradual abolition.

2. That, in the opinion of your Petitioners, a large majority of those persons who profess to disapprove of State Aid in principle are also, on principle, opposed to any plan for the abolition of State Aid which does not fully recognize and amply provide for the vested rights of the present recipients of such aid from the public revenue.

3. That your Petitioners would view with less alarm any plan for the abolition of State Aid, if time were allowed for the different religious bodies to meet the great expense of erecting their church buildings, and to provide some amount of endowments for the maintenance of religious worship; and that their repugnance to the gradual withdrawal of State Aid would be diminished if Parliament would sanction, in any way its wisdom might devise, some mode of encouraging private endowments in aid of religion; as, for instance, the remitting a moiety of the value of land bought at public sale, from either the Church and School Estates or the Waste Lands of the Colony, when such land was bought *bonâ fide* as endowments for the support of religion.

4. That your Petitioners, in the hope that some such encouragement to the endowment of religious worship by private individuals may be devised and sanctioned by Parliament, and with the desire that the question of State Aid may be finally settled, and all violent differences and disputes concerning it be brought to a close—considering also the Bill introduced into your Honorable House, under the title of “Grants for Public Worship Prohibition Bill,” does fully recognize and amply provide for the vested rights of the present recipients of State Aid—are willing, whether they would individually prefer an increase of the present grant in aid of religion, or the permanent continuance of the present grant, or its gradual abolition, to unite in praying your Honorable House to pass the aforesaid Bill in its integrity, as a final settlement of this difficult and much disputed question.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 51 Signatures.] *

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(CERTAIN MEMBERS OF THE CHURCH OF ENGLAND.)

*Received by the Legislative Assembly, 11 July, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

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

The humble Petition of the undersigned Members of the Church of England, and
others,—

RESPECTFULLY SHEWETH:—

That your Petitioners, together with, they believe, a large majority of those who in principle disapprove of State Aid to Religion, are desirous, that if your Honorable House shall see fit to discontinue such aid it may be withdrawn gradually, and in such a manner as to diminish, as much as possible, any anticipated injury to the religious interests and morals of the people at large.

That your Petitioners are persuaded that if withdrawn suddenly and entirely results greatly to be deplored would certainly ensue; that many large districts never yet ministered to under any voluntary system of instruction, would be entirely deprived of the instruction and ministrations they now enjoy; and that far more than the amount now so expended would require to be expended in the restraint and punishment of offenders, who, deprived of instruction, would ignorantly transgress alike the laws of God and man.

That your Petitioners, therefore, are willing, whether they would individually prefer an increase of the present Grant in aid of Religion, or the permanent continuance of the present Grant, or its gradual abolition, to unite in praying your Honorable House to pass the Bill now before your Honorable House, intituled, "Grants for Public Worship Prohibition Bill" in its integrity, as a final settlement of this difficult and disputed question, and as affording a hope of inflicting less injury than any other plan yet devised.

And your Petitioners, as in duty bound, will ever pray, &c.

[Here follow 71 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(GUNDAROO.)

Received by the Legislative Assembly, 15 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Inhabitants of Gundaroo,—

SHEWETH :—

That your Petitioners have heard, with much satisfaction, that a Bill for the Prohibition of Grants for Public Worship has been introduced into your Honorable House.

That your Petitioners respectfully submit that the system of indiscriminate endowment of opposing creeds is in principle wrong, and pernicious in practice.

That your Petitioners further submit, that there is no reason to believe that the voluntary contributions of the people will be unable to meet the necessities of the country as regards the supply of the ordinances of Religion ; that, on the contrary, the achievements of the Voluntary System in England and Scotland, and likewise in the Colonies, fully justify the conviction that the religious necessities of the country will be quite as well supplied as they are under the present system.

For these and other reasons your Petitioners humbly pray your Honorable House to pass into law the "Grants for Public Worship Prohibition Bill."

And your Petitioners, as in duty bound, will ever pray.

[Here follow 46 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.

(JOHN GIBSON, PASTOR, AND JOHN COBB, DEACON, OF CAMPBELLTOWN CONGREGATIONAL CHURCH.)

*Received by the Legislative Assembly, 15 July, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

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

The Petition of the undersigned, of Campbelltown Congregational Church,—

RESPECTFULLY SHEWETH:—

That the mode of applying State Revenues to the support and propagation of religious and ecclesiastical systems in use in this Colony is contrary to the nature of religious truth, and destructive of its free operation, since it maintains the most palpable contradictions, and thus unsettles both belief and practice; that it is inexpedient and inefficient in the work of instructing the people; that true religion requires no such support.

That for these, and many other reasons equally strong, but too numerous to be mentioned here, your Petitioners cannot but feel that the time is fully come for the total abolition of every form of State Aid to Religion in this Colony. In its main principles they approve of the Bill now before your Honorable House, to pass the said Bill unchanged in principle. And your Petitioners therefore pray your Honorable House will take the premises into your consideration. And your Petitioners will ever pray, &c.

Signed on behalf of the Church and Congregation,

JOHN GIBSON, Pastor.
JOHN COBB, Deacon.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(CAMPBELLTOWN.)

*Received by the Legislative Assembly, 16 July, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

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

The Petition of the undersigned Inhabitants of Campbelltown,—

RESPECTFULLY SHEWETH:—

That the mode of applying State Revenues to the support and propagation of religious and ecclesiastical systems in use in this Colony, is contrary to the nature of religious truth, and destructive of its free operation, since it maintains the most palpable contradictions, and thus unsettles both belief and practice. That it is inexpedient and inefficient in the work of instructing the people. That true religion requires no such support.

That for these and many other reasons equally strong, but too numerous to be mentioned here, your Petitioners cannot but feel that the time is fully come for the total abolition of every form of State Aid to Religion in this country. In its main principles they approve of the Bill now before your Honorable House relating to the subject; and your Petitioners most respectfully pray your Honorable House to pass the said Bill unchanged in principle.

And your Petitioners will ever pray, &c.

[Here follow 81 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(MENANGLE.)

*Received by the Legislative Assembly, 16 July, 1862, and Printed under the Sessional Order
of 4 June, 1862.*

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

The Petition of the undersigned Inhabitants of Menangle,—

RESPECTFULLY SHEWETH:—

That the mode of applying State Revenues to the support and propagation of religious and ecclesiastical systems in use in this Colony, is contrary to the nature of religious truth, and destructive of its free operation, since it maintains the most palpable contradictions, and thus unsettles both belief and practice. That it is inexpedient and inefficient in the work of instructing the people. That true religion requires no such support.

That for these and many other reasons equally strong, but too numerous to be mentioned here, your Petitioners cannot but feel that the time is fully come for the total abolition of every form of State Aid to Religion in this Colony.

In its main features they approve of the Bill now before your Honorable House relating to the subject. And your Petitioners most respectfully pray your Honorable House to pass the said Bill unchanged in principle.

And your Petitioners will ever pray, &c.

[Here follow 82 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(PORT MACQUARIE.)

Received by the Legislative Assembly, 16 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Colonists (or Members of the Church of England) at Port Macquarie,—

RESPECTFULLY SHEWETH:—

1. That your Petitioners believe a large and increasing number of the residents in this Colony approve of State Aid to Religion, as sound in principle and beneficial in practice, and desire the increase of the grant in aid of religion secured by the Constitution Act, rather than its diminution or gradual abolition.

2. That, in the opinion of your Petitioners, a large majority of those persons who profess to disapprove of State Aid in principle, are also on principle strongly opposed to any plan for the abolition of State Aid which does not fully recognize and amply provide for the vested rights of the present recipients of such aid from the public revenue.

3. That your Petitioners would view with less alarm any plan for the abolition of State Aid, if time were allowed for the different religious bodies to meet the great expense of erecting their church buildings, and to provide some amount of endowments for the maintenance of religious worship; and that their repugnance to the gradual withdrawal of State Aid would be much diminished if Parliament would sanction, in any way its wisdom might devise, some mode of encouraging private endowments in aid of religion—as, for instance, the remitting a moiety of the value of land bought at public sale, from either the Church and School Estates or the Waste Lands of the Colony, when such land was bought *bonâ fide* as endowment for the support of religion.

4. That your Petitioners, in the hope that some such encouragement to the endowment of religious worship by private individuals may be devised and sanctioned by Parliament, and with the desire that the question of State Aid may be finally settled, and all violent differences and disputes concerning it be brought to a close—considering also the Bill introduced into your Honorable House, under the title of “Grants for Public Worship Prohibition Bill,” does fully recognize and amply provide for the vested rights of present recipients of State Aid—are willing, whether they would individually prefer an increase of the present grant in aid of religion, or the permanent grant, or its gradual abolition, to unite in praying your Honorable House to pass the aforesaid Bill in its integrity, as a final settlement of this difficult and much disputed question.

And your Petitioners, as in duty bound, will ever pray, &c.

[Here follow 112 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(MEMBERS OF THE FREE CHURCH AT AHALTON AND RAYMOND TERRACE.)

Received by the Legislative Assembly, 17 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of the undersigned Members and Adherents of the Free Church at Ahalton and Raymond Terrace,—

HUMBLY SHEWETH:—

That the system of indiscriminate religious endowments which exists in this Colony is utterly unsound in principle; inasmuch as, by extending countenance and aid to antagonistic creeds, it places truth and error on the same footing, and thus practically denies that the former has any other claim for its support than must be conceded to the latter.

That the endowment of several religious denominations, and still more of denominations evidently and avowedly antagonistic to each other, involves a wasteful expenditure of the public money.

That while professing to be an impartial one, the present system is in reality partial in its operation, a fruitful source of alienation and division, and places at a disadvantage those denominations who provide religious ministrations for themselves without the assistance of Government aid.

That, in the opinion of your Petitioners, the total abolition of this unscriptural system would be productive of good, and not of evil, to the interests of true religion.

That your Petitioners approve, in its main principle, of the Bill now before your Honorable House relating to this subject; and while they would not object to an adequate compensation to the present recipients of Government aid, for the loss of any rights they may have acquired, yet your Petitioners humbly submit that the future payment of their stipends to them on the ground of continued service, would so far be a perpetuation of the present objectionable system.

Your Petitioners, therefore, pray your Honorable House to pass the said Bill, but with such alterations as may prevent the perpetuation of the present system.

And your Petitioners will ever pray, &c.

[Here follow 74 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(MORPETH AND ITS NEIGHBOURHOOD.)

*Received by the Legislative Assembly, 17 July, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

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

The humble Petition of the undersigned Colonists (or Members of the Church of
England) at Morpeth and its neighbourhood,—

RESPECTFULLY SHEWETH :—

1. That your Petitioners believe a large and increasing number of the residents in this Colony approve of State Aid to Religion, as sound in principle and beneficial in practice, and desire the increase of the grant in aid of religion secured by the Constitution Act, rather than its diminution or gradual abolition.

2. That, in the opinion of your Petitioners, a large majority of those persons who profess to disapprove of State Aid in principle, are also on principle strongly opposed to any plan for the abolition of State Aid which does not fully recognize, and amply provide for, the vested rights of the present recipients of such aid from the public Revenue.

3. That your Petitioners would view with less alarm any plan for the abolition of State Aid, if time were allowed for the different religious bodies to meet the great expense of erecting their church buildings, and to provide some amount of endowments for the maintenance of religious worship; and that their repugnance to the gradual withdrawal of State Aid would be much diminished if Parliament would sanction, in any way its wisdom might devise, some mode of encouraging private endowments in aid of religion; as, for instance, the remitting a moiety of the value of land bought at public sale, from either the Church and School Estates or the Waste Lands of the Colony, when such land was bought *bonâ fide* as endowments for the support of religion.

4. That your Petitioners, in the hope that some such encouragement to the endowment of religious worship by private individuals may be devised and sanctioned by Parliament, and with the desire that the question of State Aid may be finally settled, and all violent differences and disputes concerning it be brought to a close—considering also the Bill introduced into your Honorable House, under the title of “Grants for Public Worship Prohibition Bill,” does fully recognize and amply provide for the vested rights of present recipients of State Aid—are willing, whether they would individually prefer an increase of the present grant in aid of religion, or the permanent continuance of the present grant, or its gradual abolition, to unite in praying your Honorable House to pass the aforesaid Bill in its integrity, as a final settlement of this difficult and much disputed question.

And your Petitioners, as in duty bound, will ever pray, &c.

[Here follow 163 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(DISTRICT OF MUDGEE.)

Received by the Legislative Assembly, 18 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of the undersigned Inhabitants and Residents of the Town and District of Mudgee, Colony of New South Wales,—

HUMBLY SHEWETH:—

That your Petitioners understand your Honorable House has under its consideration a Bill having for its object the abolition of State Aid, and they believe such aid is antagonistic to the advancement of religion.

Your Petitioners pray that your Honorable House will pass that Bill, so that it may become law.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 151 Signatures.]

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 data collection techniques. The primary data was gathered through direct observation and interviews, while secondary data was obtained from existing reports and databases.

The third section details the statistical analysis performed on the collected data. Various tests were conducted to determine the significance of the findings. The results indicate a strong correlation between the variables being studied, which supports the initial hypothesis of the research.

Finally, the document concludes with a summary of the key findings and their implications. It suggests that the current practices need to be revised to better align with the observed trends. Further research is recommended to explore the underlying causes of these trends and to develop more effective strategies.

1862.

—
 LEGISLATIVE ASSEMBLY.
 NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.

(SIGNED BY A. WINDEYER, KINROSS, RAYMOND TERRACE, AND OTHERS.)

—
*Received by the Legislative Assembly, 22 July, 1862, and Printed under the Sessional
 Order of 4 June, 1862.*

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

The humble Petition of the undersigned Colonists (or Members of the Church of
 England),—

RESPECTFULLY SHEWETH:—

1. That your Petitioners believe a large and increasing number of the residents of this Colony approve of State Aid to Religion, as sound in principle and beneficial in practice, and desire the increase of the grant in aid of religion secured by the Constitution Act, rather than its diminution or gradual abolition.

2. That, in the opinion of your Petitioners, a large majority of those persons who profess to disapprove of State Aid in principle, are also on principle strongly opposed to any plan for the abolition of State Aid which does not fully recognize, and amply provide for, the vested rights of the present recipients of such aid from the public Revenue.

3. That your Petitioners, with the desire that the question of State Aid may be finally settled, and all violent differences and disputes concerning it be brought to a close,—considering also the Bill introduced into your Honorable House, under the title of “Grants for Public Worship Prohibition Bill,” does fully recognize and provide for the vested rights of present recipients of State Aid,—are willing, whether they would individually prefer an increase of the present grant in aid of religion, or the permanent continuance of the present grant, or its gradual abolition, to unite in praying your Honorable House to pass the aforesaid Bill in its integrity, as a final settlement of this difficult and much disputed question.

And your Petitioners, as in duty bound, will ever pray, &c.

[Here follow 31 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(MAITLAND, AND NEIGHBOURHOOD.)

*Received by the Legislative Assembly, 23 July, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

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

The Petition of the undersigned Inhabitants of Maitland, and neighbourhood,—

HUMBLY SHEWETH :—

That your Petitioners are impressed with the conviction, that it is not essential or necessary to the upholding of religion, that aid should be given for this purpose by the State.

That the Petitioners firmly believe that it is the bounden duty of every Christian community voluntarily and freely to give of their means and substance sufficient for the due and proper administration of religious ordinances.

That your Petitioners consider that the present system of granting State Aid to Religion in this Colony interferes with this sacred and imperative duty on the part of the people, and is calculated to weaken their efforts in, and divert their energies from, the cause of religion, by encouraging them to lean for support upon the State, in place of fostering the growth of those principles and virtues which necessarily tend to direct the mind to honor religion, by the Ministers of the Gospel being maintained by cheerful and voluntary offerings.

That your Petitioners are opposed to the system in operation in this Colony, in applying the public funds for religious purposes, as being calculated to confound truth with error, and distract and unsettle the minds of the people, particularly of the rising generation.

That the Petitioners consider that the Bill before your Honorable House, having for its object the abolition of State Aid to Religion, is a wise and just measure, and, if passed into law, will be found in practice to be beneficial to the cause of religion and sound morality.

May it therefore please your Honorable House to pass the Bill now under consideration, having for its object the abolition of State Aid to Religion.

And your Petitioners, as in duty bound, will ever pray, &c.

[Here follow 462 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(DISTRICT OF THE UPPER WILLIAMS.)

*Received by the Legislative Assembly, 23 July, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

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

The Petition of the undersigned Inhabitants of the District of the Upper
Williams,—

HUMBLY SHEWETH:—

That the system of indiscriminate religious endowments which exists in this Colony is utterly unsound in principle; inasmuch as, by extending countenance and aid to antagonistic creeds, it places truth and error on the same footing, and thus practically denies that the former has any other claim for its support than must be conceded to the latter.

That the endowment of several religious denominations, and still more of denominations evidently and avowedly antagonistic to each other, involves a wasteful expenditure of the public money.

That while professing to be an impartial one, the present system is in reality partial in its operation, a fruitful source of alienation and division, and places at a disadvantage those denominations who provide religious ministrations for themselves without the assistance of Government aid.

That, in the opinion of your Petitioners, the total abolition of this unscriptural system would be productive of good, and not of evil, to the interests of true religion.

That your Petitioners approve, in its main principle, of the Bill now before your Honorable House relating to this subject.

Your Petitioners therefore pray your Honorable House to pass the said Bill.

And your Petitioners will ever pray, &c.

[Here follow 25 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(MANNING RIVER.)

Received by the Legislative Assembly, 23 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of the undersigned Inhabitants of the Manning River,—

RESPECTFULLY SHEWETH:—

That the mode of applying State revenues to the support of religious and ecclesiastical systems in use in this Colony is contrary to the nature of religious truth, and destructive of its free operation, since it maintains the most palpable contradictions, and thus unsettles both belief and practice. That it is inexpedient and insufficient in the work of instructing the people. That true religion requires no such support.

That for these and many other reasons, equally strong but too numerous to be mentioned here, your Petitioners cannot but think that the time is fully come for the total abolition of every form of State Aid to Religion in this Colony. In its main principles they approve of the Bill now before your Honorable House relating to the subject, and your Petitioners most respectfully entreat your Honorable House to pass the said Bill unchanged in principle.

And your Petitioners will ever pray.

[Here follow 61 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(ELECTORATE OF ILLAWARRA.)

Received by the Legislative Assembly, 23 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Residents of the Electorate of Illawarra,—

SHEWETH :—

That your Petitioners observe with satisfaction, that a Bill has been laid before your Honorable House, to deal with the long-disputed question of State Aid to Religion, as provided for in Schedule C of the Constitution Act.

That your Petitioners, though thoroughly convinced of the impolicy of the grant under Schedule C, and also of its inefficiency in promoting true religion, and of its partial and unjust operation, nevertheless pray that your Honorable House will pass the Bill now before it, as they firmly believe it to be an honorable and equitable compromise, by which the jealousy, disunion, and heartburnings, amongst the different religions of the Colony will be ameliorated, if not removed, while every individual interest will be held inviolate.

And your Petitioners, as in duty bound, will ever pray, &c., &c.

[Here follow 72 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(DISTRICT OF MURRURUNDI.)

*Received by the Legislative Assembly, 29 July, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

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

The humble Petition of the undersigned Members of the various Religious
Denominations in the District of Murrurundi,—

HUMBLY SHEWETH :—

That your Petitioners, with the desire that the question of State Aid may be finally settled, and all violent differences and disputes concerning it be brought to a close, consider that the Bill introduced into your Honorable House, under the title of "Grants for Public Worship Prohibition Bill," does fully recognize and amply provide for the vested rights of present recipients of State Aid; and although your Petitioners hold different views as to its permanent increase or total abolition, yet they are willing to unite in praying your Honorable House to pass the aforesaid Bill in its integrity, as a final settlement of this difficult and much disputed question. And your Petitioners, as in duty bound, will ever pray.

[Here follow 19 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(INHABITANTS OF WAVERLEY.)

*Received by the Legislative Assembly, 29 July, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

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

The Petition of the undersigned Inhabitants of Waverley,—

RESPECTFULLY SHEWETH:—

That the mode of applying State Revenues to the support and propagation of religious and ecclesiastical systems in use in this Colony is contrary to the nature of religious truth, and destructive of its free operation, since it maintains the most palpable contradictions, and thus unsettles both belief and practice; that it is inexpedient and inefficient in the work of instructing the people; that true Religion requires no such support.

That for these, and many other reasons equally strong, but too numerous to be mentioned here, your Petitioners cannot but feel that the time is fully come for the total abolition of every form of State Aid to Religion in this Colony. In its main principles they approve of the Bill now before your Honorable House, relating to the subject; and your Petitioners most respectfully entreat your Honorable House to pass the said Bill unchanged in principle.

And your Petitioners will ever pray, &c.

[Here follow 29 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(FREE PRESBYTERIAN CONGREGATION, EDEN.)

Received by the Legislative Assembly, 8 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of the undersigned Members and Adherents of the Free Presbyterian Congregation at Eden, Twofold Bay,—

HUMBLY SHEWETH :—

That the system of indiscriminate religious endowments which exists in this Colony is utterly unsound in principle; inasmuch as, by extending countenance and aid to antagonistic creeds, it places truth and error on the same footing, and thus practically denies that the former has any other claim for its support than must be conceded to the latter.

That the endowment of several religious denominations, and still more of denominations evidently and avowedly antagonistic to each other, involves a wasteful expenditure of the public money.

That, while professing to be an impartial one, the present system is in reality partial in its operation, a fruitful source of alienation and division, and places at a disadvantage those denominations who provide religious ministrations for themselves without the assistance of Government aid.

That, in the opinion of your Petitioners, the total abolition of this unscriptural system would be productive of good, and not of evil, to the interests of true religion.

That your Petitioners approve in its main principles of the Bill now before your Honorable House relating to this subject; and while they would not object to an adequate compensation to the present recipients of Government aid for the loss of any rights they may have acquired, yet your Petitioners humbly submit that the future payment of their stipends to them on the ground of continued service, would so far be a perpetuation of the present objectionable system.

Your Petitioners, therefore, pray your Honorable House to pass the said Bill; but with such alterations as may prevent a perpetuation of the present system.

And your Petitioners, as in duty bound, will ever pray, &c., &c., &c.

[Here follow 30 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(BATHURST AND ITS VICINITY.)

Received by the Legislative Assembly, 8 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Speaker and to the Members of the Legislative Assembly of New South Wales.

The humble Petition of the undersigned Inhabitants of Bathurst and its vicinity,—

SHEWETH:—

That your Petitioners regard with great satisfaction any measure contemplating the gradual abolition of State Aid to Religion in this Colony.

That your Petitioners are impressed with the conviction that State Aid is totally unnecessary to the maintenance and extension of Christianity, and that it is the bounden duty of every Christian community, voluntarily to sustain and promote the ordinances of religion.

That your Petitioners have the strongest confidence in the ability of the people of this generally prosperous country efficiently to sustain the institutions of their respective Churches.

That your Petitioners consider that any system of State Aid to Religion interferes with this sacred and divinely-imposed duty of all Christian congregations.

That your Petitioners are opposed to State Aid to Religion as administered in this Colony, tending as it does to confound all distinction between truth and error in matters of Divine revelation.

Your Petitioners, therefore, pray that the Bill now before your Honorable House, having for its object the abolition of State Aid to Religion in this Colony, may be passed.

And your Petitioners, as in duty bound, will ever pray, &c., &c., &c.

[Here follow 836 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(FREE PRESBYTERIAN CONGREGATION, BEGA.)

Received by the Legislative Assembly, 8 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.
The Petition of the undersigned Members and Adherents of the Free Presbyterian Congregation of Bega,—

HUMBLY SHEWETH :—

That the system of indiscriminate religious endowments which exists in this Colony is utterly unsound in principle, inasmuch as, by extending countenance and aid to antagonistic creeds, it places truth and error on the same footing, and thus practically denies that the former has any other claim for its support than must be conceded to the latter.

That the endowment of several religious denominations, and still more of denominations evidently and avowedly antagonistic to each other, involves a wasteful expenditure of the public money.

That, while professing to be an impartial one, the present system is in reality partial in its operation, a fruitful source of alienation and division, and places at a disadvantage those denominations who provide religious ministrations for themselves without the assistance of Government aid.

That, in the opinion of your Petitioners, the total abolition of this unscriptural system would be productive of good, and not of evil, to the interests of true religion.

That your Petitioners approve in its main principle of the Bill now before your Honorable House relating to this subject, and while they would not object to an adequate compensation to the present recipients of Government aid, for the loss of any rights that they may have acquired, yet your Petitioners humbly submit, that the future payment of their stipends to them on the ground of continued service would be so far a perpetuation of the present objectionable system.

Your Petitioners, therefore, pray your Honorable House to pass the said Bill, but with such alterations as may prevent a perpetuation of the present system.

And your Petitioners, as in duty bound, will ever pray, &c., &c., &c.

[Here follow 17 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(TENTERFIELD.)

Received by the Legislative Assembly, 12 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of the undersigned Inhabitants of Tenterfield,—

RESPECTFULLY SHEWETH:—

That the system of indiscriminate religious endowments which exists in this Colony is unsound in principle, by placing truth and error on the same footing.

That while professing to be an impartial one, the present system is in reality partial in its operation, creating disunion and discord, and placing at a disadvantage those denominations who provide religious ministrations for themselves without Government aid.

That your Petitioners endorse the main principle of the Bill now before your Honorable House relating to this subject; and while they would not object to the granting of adequate compensation to the present recipients of Government aid, yet your Petitioners humbly submit that the future payments of those stipends to them on the ground of continued service would so far be a perpetuation of the present objectionable system.

May it, therefore, please your Honorable House to pass the Bill under consideration leaving for its object the abolition of State Aid to Religion.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 142 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(CAMDEN AND ITS VICINITY.)

*Received by the Legislative Assembly, 13 August, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

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

The Petition of the undersigned Residents in the District of Camden and its
vicinity,—

HUMBLY SHEWETH:—

1. That your Petitioners have observed with great satisfaction the introduction of a Bill into your Honorable House for the Abolition of State Aid for religious purposes.

2. That your Petitioners believe that a law to effect that object is imperatively necessary. That the Bill, as introduced by the Honorable Colonial Secretary, is adapted to the requirements of the Colony, and is adapted to promote alike the civil welfare of the community and the furtherance of true Religion.

3. Your Petitioners, therefore, earnestly pray that the said Bill may pass your Honorable House and become law.

And your Petitioners will ever pray.

[Here follow 72 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(RESIDENTS WITHIN THE DISTRICT OF JERVIS BAY.)

*Received by the Legislative Assembly, 20 August, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

To the Honorable the Legislative Assembly, in Parliament assembled.

The Petition of the undersigned Residents within the district of Jervis Bay,—

MOST RESPECTFULLY SUBMITTETH:—

That the history of all ages and countries goes to prove the baneful effects of the connection between Church and State.

That the exception in the case of a peculiar people, specially set apart for a sacred trust for the benefit of the whole human race, and that exception only during the period that they fulfilled the office for which they were chosen out of all the nations of the earth, as the custodians of the oracles of the Almighty, is no contravention of the general rule.

That the present anomalous position of the supreme hierarchy of the Roman Catholic Church, both towards the subjects of its own territory and towards those countries which have been ever the most ardent, most constant, and devoted adherents of that Church, is palpable evidence of the incongruous nature of the civil and religious elements, even in those Governments where everything may be supposed to be most favourable for the assimilation of those elements.

That the same noxious ingredient of State connection was the ultimate cause of that convulsion which so recently shook the Church of Scotland to its centre, and resulted in the renunciation of all such connection by the Church, which now, in commemoration of its release from the thralldom of the civil power, stands gloriously pre-eminent as the Free Church of Scotland.

That in this Colony, there being no Church by law established, all religious sects stand upon an equal footing, and no one sect is entitled to claim precedence over another, or to demand exclusive support from the public revenue, which is the common property of all.

That the exclusive endowment from the public revenue of four religious denominations, which has hitherto obtained, is an act of flagrant injustice, differing only in degree from that which imposed upon the people of Ireland the support of a Church acknowledged only by a minute section of that people, and so far from being an argument in favour of the perpetuation of this iniquitous system, is the strongest reason why it should be immediately abolished.

That the exertions of those sects which have had the least countenance and assistance from the State, have been, in this Colony and throughout the world, beyond all comparison greater, more sustained, and more successful in their results, than those of the most State-favoured denominations.

Your Petitioners, therefore, pray that your Honorable House will pass the Bill now before it, entitled the "Grants for Public Worship Prohibition Bill," or some other Bill equally stringent in its enactments, for the extinction of the heretofore prevalent system of religious endowment, and the severance in all future time in this country of the connection, so prejudicial to the best interests of either, between Church and State.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 60 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(LOWER HUNTER.)

*Received by the Legislative Assembly, 27 August, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

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

The Petition of the undersigned Inhabitants of the Lower Hunter,—

HUMBLY SHEWETH :—

That your Petitioners bear with sincere pleasure that the Government have submitted to Parliament a Bill for the abolition of State Aid to Religion, by prohibiting future grants from the public treasury for such purpose.

Your Petitioners, therefore, humbly pray, that your Honorable House will pass such a Bill, with the least possible delay, providing that the present recipients may have such moderate compensation for the discontinuance of their present salaries from the State as your House may deem just.

That your Petitioners further would, in appealing to your Honorable House, refer to the fact, that State Aid to Religion has not in any way benefited thinly peopled districts, as it has been almost wholly appropriated by clergymen residing in populous districts or towns.

Your Petitioners, therefore, beg your Honorable House to pass the aforesaid Bill.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 12 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(BRAIDWOOD.)

*Received by the Legislative Assembly, 2 July, 1862, and Printed under the Sessional Order
of 4 June, 1862.*

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

The humble Petition of the undersigned Colonists, resident in Braidwood and on
the adjacent Gold Fields,—

RESPECTFULLY SHEWETH:—

1. That your Petitioners have learned with much concern, that a Bill for the
abolition of the Aid to Religion in this Colony which was secured by the Constitution
Act has been introduced into Parliament.

2. That such a measure is, in the estimation of your Petitioners, highly inexpedient,
and calculated to inflict serious injury upon the moral and religious interests of the Colony,
and would, if adopted, have the effect of depriving various districts of those religious
ordinances which they now enjoy.

3. That your Petitioners are of opinion that, instead of withdrawing, sound policy
would rather dictate the increase of Aid to Religion from the Public Revenue, especially in
the more sparsely peopled districts, it being found impossible in them to provide for the
support of the Clergy by voluntary effort.

4. That your Petitioners may refer, in support of this opinion, to what has taken
place on the Gold Fields, from which several Ministers of Religion have been withdrawn,
in consequence of the failure of the means of their support.

Your Petitioners therefore humbly pray, that your Honorable House will take these
pre ises into your favourable consideration, and guard against an evil from which so much
injury to the interests of society is to be apprehended.

And your Petitioners, as in duty bound, will ever pray, &c.

[Here follow 467 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(REVEREND A. McEWEN.)

Received by the Legislative Assembly, 8 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly.

The Petition of the Reverend Alexander McEwen, Moderator of the Synod of Australia, in connection with the Established Church of Scotland,—

HUMBLY SHEWETH:—

That your Petitioner, representing the said Synod, has given his best attention to the Bill now before your Honorable House, by which it is intended to prevent such pecuniary aid as has been hitherto afforded towards the support of religious ordinances in this Colony being continued to the successors of the present recipients.

2. That it appears to your Petitioner highly objectionable, that the question which this measure deals with should be treated merely as one involving the personal claims of individuals on the Government—the important interests of religion being entirely disregarded.

3. That such a measure, Petitioner ventures to think, can find favour with those only who are indifferent to religion altogether, or who hold that its ordinances may be adequately maintained by other means than the aid of Government—as by voluntary contributions.

4. That Petitioner believes that the ordinances of religion could not be supported in a community like that of this Colony by the exclusive means of such contributions.

5. That if the “voluntary principle” were adequate to the purpose in question, there would not be so many districts in this and the neighbouring Colonies as there are at present, entirely destitute of the means of grace.

6. That if, in accordance with the provisions of the General Church Act, the Government had continued to render assistance towards the extension of religious ordinances as the population increased, the spiritual destitution which now prevails in so many parts of the Country would never have existed.

7. That it ought to be time enough for the Legislature to withdraw all aid to religion when the advocates of exclusive voluntarism have supplied with the means of grace the present acknowledged religious destitution.

Your Petitioner, therefore, humbly prays that your Honorable House will refuse its assent to the said measure.

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

ALEXANDER McEWEN,

Moderator of the Synod of Australia,
in connection with the Established
Church of Scotland.

Hinton, 5 July, 1862.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(PARISH OF ST. MICHAEL, SYDNEY.)

*Received by the Legislative Assembly, 10 July, 1862, and Printed under the Sessional Order
of 4 June, 1862.*

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

The Petition of the undersigned Members of the United Church of England and
Ireland in this Colony, residing within the Parish of St. Michael, in the City
of Sydney,—

SHEWETH:—

That your Petitioners have learned with much concern that a Bill, intituled
the "Grants for Public Worship Prohibition Bill," has been introduced into your Honorable
House.

That your Petitioners firmly believe it to be the duty of the State to support religion
by public grants, and that, instead of being abolished, the amount reserved for that purpose
by the Constitution Act ought to be augmented.

That your Petitioners further believe that the passing of the said Bill would be
an act of injustice to all who have, on the faith of the provisions of the Act known as "Sir
Richard Bourke's Church Act," been engaged in, or become liable, parochially or individually,
for the erection of Churches and Parsonages, and would be fraught with the most baneful
effects upon the moral and religious interests of the whole Colony.

Your Petitioners, therefore, believing the aforesaid Bill to be unjust in principle, and
apprehending the most injurious consequences from its passing into law, pray that your
Honorable House will refuse your assent thereto.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 54 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(PARISH OF ST. LAWRENCE, SYDNEY.)

Received by the Legislative Assembly, 10 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Colonists, Members of the Church of England, in the Parish of St. Lawrence, Sydney,—

RESPECTFULLY SHEWETH:—

1. That your Petitioners have learned with much concern, that a Bill for the abolition of the Aid to Religion in this Colony which was secured by the Constitution Act has been introduced into Parliament.

2. That such a measure is, in the estimation of your Petitioners, highly inexpedient, and calculated to inflict serious injury upon the moral and religious interests of the Colony, and would, if adopted, have the effect of depriving various districts of those religious ordinances which they now enjoy.

3. That your Petitioners are of opinion that, instead of withdrawing, sound policy would rather dictate the increase of Aid to Religion from the public Revenue, especially in the more thinly peopled districts, it being found impossible in them to provide for the support of the Clergy by voluntary effort.

4. That your Petitioners may refer, in support of their opinion, to what has taken place on the Gold Fields, from which several Ministers of Religion have been withdrawn, in consequence of the failure of the means of their support.

Your Petitioners, therefore, humbly pray that your Honorable House will take these premises into your favorable consideration, and guard against an evil from which so much injury to the interests of society is to be apprehended.

And your Petitioners, as in duty bound, will ever pray, &c.

[Here follow 212 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(PARISH OF ST. PHILIP.)

Received by the Legislative Assembly, 10 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Colonists, in the Parish of St. Philip, in the City of Sydney,—

RESPECTFULLY SHEWETH:—

1. That your Petitioners have learned with much concern, that a Bill has been introduced into your Honorable House, proposing to abolish that aid to religion from the Public Revenue which was secured by the Constitution Act.

2. That your Petitioners regard such a measure as highly inexpedient, and calculated to inflict serious injury upon the moral and religious interests of the Colony, and believe that, if adopted, it will have the effect of depriving many districts of those religious ordinances which they now enjoy.

3. That your Petitioners are of opinion that sound policy would dictate the increase rather than the withdrawal of State Aid to Religion, there being many districts of the Colony where, from the sparseness of the population, experience has shown it to be quite impossible to provide for the support of clergymen by mere voluntary effort.

4. That your Petitioners may refer in support of this opinion to what has taken place on the Gold Fields, from which several ministers of religion have been withdrawn, in consequence of the failure of the means of their support.

Your Petitioners, therefore, humbly pray that your Honorable House will take these premises into your favourable consideration, and guard against an evil from which so much injury to the interests of society is to be apprehended.

And your Petitioners, as in duty bound, will ever pray, &c.

[Here follow 114 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(PROSPECT AND THE SEVEN HILLS.)

Received by the Legislative Assembly, 10 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Members of the Church of England, in the Parish of Prospect and the Seven Hills,—

RESPECTFULLY SHEWETH :—

1. That your Petitioners have learned with much concern, that a Bill for the abolition of the Aid to Religion in this Colony which was secured by the Constitution Act has been introduced into Parliament.

2. That such a measure is, in the estimation of your Petitioners, highly inexpedient, and calculated to inflict serious injury upon the moral and religious interests of the Colony, and will, if adopted, have the effect of depriving various districts, such as our own, of those religious ordinances which they now enjoy.

3. That your Petitioners are of opinion, that instead of withdrawing, sound policy would rather dictate the increase of Aid to Religion from the public Revenue, especially in the more sparsely peopled districts, it being found impossible in them to provide for the support of the Clergy by voluntary effort.

4. That your Petitioners may refer, in support of this opinion, to what has taken place at the Gold Fields, from which several Ministers of Religion have been withdrawn, in consequence of the failure of the means of their support.

Your Petitioners, therefore, humbly pray that your Honorable House will take these premises into your favourable consideration, and guard against an evil from which so much injury to the interests of society is to be apprehended.

And your Petitioners, as in duty bound, will ever pray, &c.

[Here follow 86 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.

(CANBERRY, AND OTHER PLACES, IN THE DISTRICT OF QUEANBEYAN.)

*Received by the Legislative Assembly, 10 July, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

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

The humble Petition of the undersigned Colonists, residing at Canberry, and other
places, in the District of Queanbeyan,—

RESPECTFULLY SHEWETH:—

1. That your Petitioners have learned with much concern, that it is proposed
to introduce into Parliament a Bill for the abolition of the Aid to Religion in this Colony
which was secured by the Constitution Act.

2. That such a measure is, in the estimation of your Petitioners, highly in-
convenient, and calculated to inflict serious injury upon the moral and religious interests of the
Colony, and would, if adopted, have the effect of depriving various districts of those religious
ordinances which they now enjoy.

3. That your Petitioners are of opinion that, instead of withdrawing, sound policy
would rather dictate the increase of Aid to Religion from the public Revenue, especially in
the more sparsely peopled districts, it being found impossible in them to provide for the
support of the Clergy by voluntary effort.

4. That your Petitioners may refer, in support of this opinion, to what has taken
place on the Gold Fields, from which several Ministers of Religion have been withdrawn, in
consequence of the failure of the means of their support.

Your Petitioners, therefore, humbly pray that your Honorable House will take these
premises into your favourable consideration, and guard against an evil from which so much
injury to the interests of society is to be apprehended.

And your Petitioners, as in duty bound, will ever pray, &c.

[Here follow 81 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(BALMAIN.)

Received by the Legislative Assembly, 15 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Inhabitants of Balmain,—

SHWETH:—

That your Petitioners have heard with much concern, that a Bill has been introduced into your Honorable House, for the abolition of the Aid to Religion in this Colony which was secured by the Constitution Act.

That your Petitioners respectfully submit, that the proposed abolition cannot be effected without a twofold violation of the public faith, pledged as it is by a distinct Parliamentary compact to Her Gracious Majesty the Queen, on the one side, and on the other, to those districts which have provided for the erection of Churches and the settlement of Clergymen, under and in pursuance of the Act commonly known as Sir Richard Bourke's Church Act.

That your Petitioners further submit, that no proof has yet been afforded of the adequacy of a system of voluntary payments to meet the requirements of religious ordinances in this Colony; that, on the contrary, the result of every trial of the system yet made has been such as to awaken the utmost distrust in its efficiency.

That your Petitioners, therefore, contemplate with much alarm the effects they anticipate from the proposed withdrawal of State Aid from those Christian bodies which have been endeavouring to spread their ministrations over all parts of the Colony, and who are already unable to overtake the increasing needs of the population, with all the assistance they now receive, both from the people, by private contributions, and from the State.

For these, and other weighty reasons, your Petitioners humbly pray that your Honorable House will be pleased to withhold your assent from the Bill above referred to, and from any measure to which the same objection may be offered.

And your Petitioners, as in duty bound, will ever pray, &c., &c., &c.

[Here follow 105 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(DARLINGHURST, RUSHCUTTERS' BAY, DARLING POINT, DOUBLE BAY,
AND VICINITY.)

*Received by the Legislative Assembly, 15 July, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

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

The humble Petition of the undersigned Residents of Darlinghurst, Rushcutters'
Bay, Darling Point, Double Bay, and the vicinity thereof,—

SEEWETH :—

That your Petitioners have heard with pain and regret, that a Bill has been introduced into your Honorable House to abolish the Aid to Religion which is secured and provided for by the Constitution Act.

That your Petitioners are firmly persuaded that the withdrawal of the aid so provided for the maintenance of Public Worship would be injurious to the interests of Religion in general, and highly prejudicial to the religious and moral welfare of the whole community.

That your Petitioners respectfully submit, that if the said proposed measure is passed into law, a breach of the public faith will be committed towards all those persons who have built or subscribed towards the building of Churches and places for Public Worship, under and in pursuance of the Act commonly known as Sir Richard Bourke's Church Act.

Your Petitioners, therefore, earnestly pray your Honorable House to maintain the provision contained in the said Constitution Act for the maintenance of Public Worship, and not to pass the said Bill.

And your Petitioners will ever pray, &c.

[Here follow 116 Signatures.]

June, 1862.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(DISTRICT OF SCONE.)

*Received by the Legislative Assembly, 16 July, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

To the Honorable the Legislative Assembly of New South Wales.

The Petition of the undersigned Residents of New South Wales, in the District
of Scone,—

HUMBLY SHEWETH:—

1. That your Petitioners have heard, with much concern, that a Bill is now before your Honorable House for the withdrawal of all pecuniary assistance towards the support of religion in this Colony, after the decease or retirement from duty of those at present in receipt of such assistance.

2. That while duly sensible of the measure of justice proposed to be dealt out to present recipients by this measure, yet, inasmuch as it contemplates a state of things, at no distant period, in which the maintenance of religious ordinances will be left to the scanty and precarious contributions of the members of the community, your Petitioners entertain the strongest convictions that the passing of such a measure cannot fail to be attended by the most serious consequences to the religious interests of the Colony.

3. That although the Ministers of various congregations in the metropolis and large towns of the Colony might obtain a scanty and precarious support from the voluntary contributions of their flocks, yet your Petitioners are convinced that the effects of such a measure would be totally to deprive the country districts of those infrequent ministrations of religion which it is found possible to afford under the present system.

4. That your Petitioners would also respectfully point out, that if a vested right exists at all under the present state of the law, it is not in the interest of present recipients of stipends. The injustice of withdrawing this aid will be inflicted on the various districts of the Colony which have expended large sums in the erection of buildings for religious purposes, on the express pledge that, if such buildings were erected, the State would provide the stipend of the officiating Ministers, and these stipends were subsequently secured under the provisions of the Constitution Act.

5. That your Petitioners, being convinced that the voluntary principle would prove utterly inefficient as a means of supporting the ordinances of religion, respectfully deprecate the withdrawal, by this or any other measure, of the moderate assistance which has hitherto been afforded to religion in this Colony.

6. That your Petitioners, therefore, humbly beg that your Honorable House will be pleased to take the premises into its favourable consideration, and refuse its assent to the measure in question.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 530 Signatures]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(NEW ENGLAND.)

Received by the Legislative Assembly, 22 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Inhabitants of New England,—

RESPECTFULLY SHEWETH:—

That your Petitioners view with much regret the introduction into your Honorable House of a Bill for the abolition of State Aid to Religion.

2. That the arguments in favour of State Aid seem now stronger and more plain to the minds of your Petitioners than before the question was brought so prominently forward, and they feel this to be the case with a large and increasing proportion of the colonists.

3. Should your Honorable House, however, determine to abolish State Aid, your Petitioners would respectfully urge the justice of respecting vested interests during the life of the present recipients.

Your Petitioners, therefore, pray that the said Bill may not pass into law.

[Here follow 298 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.

(BATHURST.)

Received by the Legislative Assembly, 23 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Speaker, and to the Members of the Legislative Assembly of New South Wales.

The humble Petition of the undersigned Colonists, resident in Bathurst and its vicinity,—

SHWETH:—

That your Petitioners view with great dissatisfaction, any measures having for their object the withdrawal of the aid hitherto afforded by the State to the promotion of religion.

That your Petitioners believe that many congregations and communities have entered into arrangements, made expenditure, and incurred pecuniary responsibilities, for the furtherance of religion and public worship, in the faith of a continuance of the assistance given under the existing regulations, and to withhold which may be fairly characterized as a breach of faith.

That your Petitioners believe that the withdrawal of State Aid would act prejudicially, not only to those who are benefited by its receipt, but to the welfare of the Colony at large, and that in the sparsely populated portion of the country the discontinuance of assistance from the State would practically operate as a withdrawal of all religious ordinances.

That your Petitioners entertain the strongest possible conviction that the circumstances of the Colony imperatively demand of the Government a continuance, if not an extension, of the subsidy now made by it.

Your Petitioners, therefore, humbly pray that your Honorable House would take those circumstances into consideration, and that the proposed Bill may not be passed.

And your Petitioners ever pray, &c.

[Here follow 1,013 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(DISTRICT OF PORT MACQUARIE.)

Received by the Legislative Assembly, 23 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly, in Parliament assembled.

The humble Petition of the Inhabitants of the Town and District of Port Macquarie,—

RESPECTFULLY SHEWETH :—

That your Petitioners regret to learn that a Bill has been introduced into your Honorable House, having for its object the gradual abolition of State Aid to Religion.

Your Petitioners believe that a large and increasing number of the inhabitants of this Colony approve of State Aid, as scriptural in principle and beneficial in practice, and desire the increase of the grant in aid of Religion secured by the Constitution Act, till the most distant parts of the Colony are brought under its beneficial influence.

Your Petitioners believe that its diminution or gradual abolition would be fraught with injury to the future moral and religious welfare of the country.

Your Petitioners would, therefore, respectfully entreat your Honorable House to reject the said Bill, as being subversive of the best interests of the Colony.

And your Petitioners, as in duty bound, will ever pray, &c., &c., &c.

[Here follow 78 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(DISTRICT OF CAMPBELLTOWN.)

*Received by the Legislative Assembly, 25 July, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

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

The Petition of the undersigned Members of the Church of England, in the
District of Campbelltown,—

HUMBLY SHEWETH:—

That your Petitioners regret to hear that a Bill for the abolition of State Aid to Religion in this Colony which was secured by the Constitution Act has been introduced into Parliament.

That your Petitioners are of opinion, that the ordinances of Religion cannot be supported in this Colony by the exclusive means of voluntary contributions, owing to the scattered state of the population; and they are persuaded that the void that is now partly filled up by the large sum of money raised by voluntary efforts will become wider still, if the present supplementary aid be refused.

That your Petitioners are deeply impressed with the belief, that if the assistance now given by the State should be withdrawn, the results would be disastrous to the interests of Religion, leading to the abandonment of many sparsely peopled districts to spiritual destitution, and to the consequent springing up in them of immorality and crime.

That your Petitioners are persuaded that there is no duty of a Government more essential than that of providing for the moral training of the population under its control, inasmuch it is unjust to punish the breach of laws which have not been rendered appreciable by a previous virtuous education.

Your Petitioners, therefore, humbly pray that your Honorable House will refuse to assent to the said Bill, and guard against a measure so fraught with evil to the interests of society.

And your Petitioners, as in duty bound, will ever pray, &c.

[Here follow 40 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(DISTRICT OF HARTLEY.)

Received by the Legislative Assembly, 12 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of the undersigned Members of various religious denominations, resident in the District of Hartley,—

HUMBLY SHEWETH:—

That your Petitioners seriously deprecate any attempt to withdraw the aid afforded by the State for the maintenance of Religion in the Colony of New South Wales, believing that the voice of the well-disposed has not been sufficiently regarded amid the clamour which has been raised by the disaffected.

And your Petitioners, therefore, pray that your Honorable House will refuse its assent to the Bill for the discontinuance of State Aid to Religion, introduced by the Government.

[Here follow 101 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(DISTRICT OF SCONE.)

*Received by the Legislative Assembly, 14 August, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

To the Honorable the Legislative Assembly of New South Wales.

The Petition of the undersigned Residents of New South Wales, in the District of
Scone,—

HUMBLY SHEWETH :—

1. That your Petitioners have learned with much concern, that a Bill is now before your Honorable House for the withdrawal of all pecuniary assistance towards the support of Religion in this Colony, after the decease or retirement from duty of those at present in receipt of such assistance.

2. That while duly sensible of the measure of justice proposed to be dealt out to present recipients by this measure, yet, inasmuch as it contemplates a state of things at no distant period in which the maintenance of religious ordinances will be left to the scanty and precarious contributions of the members of the community, your Petitioners entertain the strongest convictions that the passing of such a measure cannot fail to be attended with the most serious consequences to the religious interests of the Colony.

3. That although the Ministers of various congregations in the metropolis and the larger towns of the Colony might obtain a scanty and precarious support from the voluntary contributions of their flocks, yet your Petitioners are convinced that the effect of such a measure would be totally to deprive the country districts of those unfrequent ministrations of religion which it is found possible to afford under the present system.

4. That your Petitioners would also respectfully point out that if a vested right exists at all under the present state of the law, it is not in the interest of the present recipients of stipends. The injustice of withdrawing this aid will be inflicted upon the various districts of the Colony, which have expended large sums in the erection of buildings for religious purposes, upon the express pledge that if such buildings were erected the State would provide the stipends of the officiating Ministers, and the stipends were subsequently secured under the provisions of the Constitution Act.

5. That your Petitioners being convinced that the voluntary principle would prove utterly inefficient as a means of supporting the ordinances of Religion, respectfully but earnestly deprecate the withdrawal, by this or any other measure, of the moderate assistance which has hitherto been afforded to Religion in this Colony.

6. That your Petitioners, therefore, humbly beg that your Honorable House will be pleased to take the premises into your favourable consideration, and refuse assent to the measure in question.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 48 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(CERTAIN MEMBERS OF CHURCH OF ENGLAND.)

Received by the Legislative Assembly, 26 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of the undersigned Members of the Church of England, being Trustees of, and Contributors to, and otherwise interested in, Churches and Parsonages erected in conformity with the provisions of the Act of Council, 7 William IV., No. 3, and of Clergymen duly appointed to such Churches, and entitled to Stipends, under the said Act,—

SHEWETH:—

That the Churches and Parsonages in which your Petitioners are so interested as aforesaid, were erected in strict compliance with, and full reliance on, the provisions of the said Act.

That one of the chief inducements for so complying with the provisions of the said Act, was to obtain a stipend towards the support of the Ministers duly appointed to officiate in such Churches, as provided by the said Act.

That stipends were accordingly granted in pursuance of the said Act, and such stipends were then treated by the Contributors to the said Churches and Parsonages, and have ever since been treated, by the Trustees of the said Churches and Parsonages, and by the different Congregations, as a permanent provision towards the support of the said Ministers.

That the pecuniary arrangements of the said Churches, and in the carrying out of which the Trustees are interested, as representing the seat-holders, and in which also the seat-holders and Ministers are individually interested, have been made to depend on the security felt that the stipends of the Ministers were permanently secured by the said Act, and by the Constitution Act, and expressly by that part of the said Act which relates to Schedule C annexed to the said Act.

That your Petitioners have learned with much surprise and regret, that a Bill is now before your Honorable House by which it is proposed that the said Act, 7 William IV., No. 3, and so much of the forty-ninth and fiftieth sections of the Constitution Act, assented to by Her Majesty under the Imperial Act, 18th and 19th Victoria, chapter 54, as relates to Schedule C annexed to the said Act, and also the said Schedule, shall be repealed, without any adequate provision being made for the stipends so granted as aforesaid.

That your Petitioners would respectfully point out to your Honorable House that to pass the said Bill into law would seriously affect the rights and pecuniary interests of your Petitioners, as vested in them under the said Act, 7 William IV., No. 3, as aforesaid.

Your Petitioners therefore humbly pray that the said Bill may not be passed into law, unless adequate provision be made for protecting the rights of your Petitioners, and of all others similarly interested, under the said Acts, and that your Petitioners may be heard by Counsel, at the Bar of your Honorable House, against the said Bill.

[Here follow 9 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.
(CERTAIN CLERGY OF ROMAN CATHOLIC CHURCH.)

*Received by the Legislative Assembly, 21 August, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

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

The Petition of the undersigned Clergy of the Roman Catholic Church,—

HUMBLY SHEWETH :—

That your Petitioners have learned with deep regret, that a measure of so much importance as the Repeal of Sir Richard Bourke's Church Act is to be taken into consideration this evening, after less than twenty-four hours' notice of its being the intention of your Honorable House to take such Repeal into consideration.

That your Petitioners, on their own behalf, and on the behalf of the Congregations whom they respectively represent, and whom they conscientiously believe to have vested rights secured to them by the provisions of the said Act, humbly pray to be heard at the Bar of your Honorable House, by Counsel learned in the Law, before the Repeal of the said Act be taken into consideration.

And your Petitioners will ever pray, &c.

[*Here follow 8 Signatures.*]

Sydney,

21 August, 1862.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.

(CERTAIN MEMBERS, WESLEYAN CHURCH.)

Received by the Legislative Assembly, 26 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of the undersigned Members of the Wesleyan Church in this Colony,—

HUMBLY SHEWETH:—

That your Petitioners believe that the continuance of State Aid to Religion in New South Wales (other than existing claims) is injurious to its best interests.

That your Petitioners have heard that a Bill to prohibit the continuance of such State Aid is now before your Honorable House.

Your Petitioners, therefore, humbly and respectfully pray that they may be heard by Counsel before the Bar of your Honorable House, in favour of the passing of said Bill.

And your Petitioners, as in duty bound, shall ever pray.

[*Here follow 8 Signatures.*]

Sydney,

26 August, 1862.

1862.

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 LEGISLATIVE ASSEMBLY.
 NEW SOUTH WALES.

GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.

(MINISTERS OF VARIOUS PROTESTANT CHURCHES.)

*Received by the Legislative Assembly, 26 August, 1862, and Printed under the Sessional
 Order of 4 June, 1862.*

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

The Petition of the undersigned Ministers of various Protestant Churches,—

HUMBLY SHEWETH:—

That your Petitioners approve of the Bill, in its present amended form, now before your Honorable House, for the prohibition of future grants of public money for religious purposes, and believe that the passing of such Bill will be generally satisfactory to the religious denominations with which they are connected, and to the country at large.

That your Petitioners have heard, with much surprise, that a petition signed by certain Roman Catholic Clergymen has been presented to your Honorable House, praying to be heard by Counsel, at the Bar of the House, in opposition to the Bill.

Your Petitioners therefore humbly pray, that if the permission sought for by the aforesaid Roman Catholic Clergymen be granted, a like permission to be heard at the Bar of your Honorable House in favour of the Bill may be granted to your Petitioners.

And your Petitioners further pray that your Honorable House will proceed with the aforesaid Bill with all convenient speed, and pass the same in its present amended form.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 9 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.
(NEWTOWN AND CANTERBURY.)

Received by the Legislative Assembly, 8 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of the Quarterly Meeting of Minister and Office-Bearers of the Wesleyan Methodist Church in the Newtown Circuit, representing twelve Congregations of Wesleyan Methodists in the Electorates of Newtown and Canterbury,—

RESPECTFULLY SHEWETH :—

That your Petitioners have long been convinced that the system of State Aid to Public Worship existing in this Colony is upon the whole injurious to the interests of true religion, confounding as it does all distinctions between truth and error in matters of Divine Revelation, by indiscriminately supporting both.

That your Petitioners, after thoughtful inquiry, are persuaded that, in the circumstances of the Colony, no satisfactory amendment or modification of the system is at all practicable.

That your Petitioners would, therefore, pray your Honorable House to adopt such measures as shall bring about the entire cessation of all grants of public money for religious purposes at the earliest period.

And your Petitioners will ever pray.

[Here follow 17 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.

(CONGREGATION MEETING, BAPTIST CHAPEL.)

Received by the Legislative Assembly, 8 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of the undersigned male members of the Congregation Meeting in the Baptist Chapel, Bathurst-street, Sydney,—

HUMBLY SHEWETH:—

That, in the opinion of your Petitioners, all human legislation in religious matters is an invasion of the prerogative of God, inconsistent with religious liberty, and injurious to the interests of religion itself. That the word of God in the New Testament of Jesus Christ devolves the obligation of propagating religious truth upon His followers, to be effected by their voluntary and loving action.

That all compulsion for that purpose is diametrically opposed to His will, and an affront to his authority.

That in conformity with these principles your Petitioners voluntarily support their own worship and spread their opinions.

And believing, further, that the appropriation of the State property for religious purposes existing in this Colony, involves all the evils above-named, and, besides, gives rise to social discord which nothing but its discontinuance can allay,—your Petitioners humbly pray your Honorable House to adopt such measures as will most speedily secure the discontinuance of the same—consistent with the proper claims of those hitherto receiving it.

And your Petitioners will ever pray, &c.

[Here follow 94 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.

(BAPTIST CHAPEL, LIVERPOOL-STREET, AND RESIDENTS IN SYDNEY.)

*Received by the Legislative Assembly, 9 July, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

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

The humble Petition of the undersigned Worshippers at the Baptist Chapel,
Liverpool-street, and Residents in the City of Sydney and Suburbs,—

RESPECTFULLY SHEWETH:—

That the mode of applying State Revenues to the support and propagation of religious and ecclesiastical systems, in use in this Colony, is contrary to the nature of religious truth, and destructive of its free operation, since it maintains the most palpable contradictions, and thus unsettles both belief and practice. That it is inexpedient and inefficient in the work of instructing the people. That true religion requires no such support.

That for these and many other reasons equally strong, but too numerous to mention here, your Petitioners cannot but feel that the time is fully come for the total abolition of every form of State Aid to Religion in this Colony. In its main principles they approve of the Bill now before your Honorable House relating to the subject.

And your Petitioners most respectfully entreat your Honorable House to pass the said Bill unchanged in principle.

And your Petitioners, as in duty bound, will ever pray, &c.

[Here follow 134 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.

(CERTAIN RESIDENTS, CITY OF SYDNEY.)

*Received by the Legislative Assembly, 9 July, 1862, and Printed under the Sessional Order
of 4 June, 1862.*

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

The Petition of the undersigned Residents in the City of Sydney,—

RESPECTFULLY SHEWETH :—

That the appropriation of the funds of the State for the maintenance of Religion is, in our opinion, inconsistent with the proper functions of the Legislature, injurious as well as a source of constant discord among the people, in many instances an act of injustice, compelling the support of those that have neither faith nor advantage from our religious views, causing a spirit of exclusiveness to pervade our Church matters, and lastly, tending to prevent the due course of religious freedom.

And your Petitioners respectfully pray that your Honorable House will pass such measures that will for ever effectually settle this question, and do justice to the present recipients ; and, as in duty bound, will ever pray.

[Here follow 39 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.

(CITIZENS OF SYDNEY.)

Received by the Legislative Assembly, 23 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of the Citizens of Sydney, adopted at a Public Meeting held at the Temperance Hall, on the 7th day of July, 1862,—

RESPECTFULLY SHEWETH:—

That the appropriation of the property of the State for the maintenance of Religion is, in the opinion of many of your Petitioners, inconsistent with the proper functions of the Legislature, injurious to Religion itself, and an inevitable source of discord among the people.

And as, furthermore, all your Petitioners are agreed that the existing appropriation of such property in this Colony necessarily inflicts injustice on those who support their own religious institutions, by compelling them to support those of others also, in which they have neither faith nor advantage, it is imperative, for social peace, for religious freedom, and for healthy legislation, that such uses of the State property should cease.

And, therefore, your Petitioners beseech your Honorable House to adopt such measures as shall seem most desirable, consistent with the proper claims of present recipients of the said property, to accomplish this object.

And your Petitioners, as in duty bound, will ever pray, &c., &c., &c.

[Here follow 3,612 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

STATE AID TO RELIGION.

(G. EAGAR.)

Received by the Legislative Assembly, 8 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of the Citizens of Sydney, adopted at a Public Meeting held at the Temperance Hall, on the 7th day of July, 1862,—

RESPECTFULLY SHEWETH :—

That the appropriation of the property of the State for the maintenance of Religion is, in the opinion of many of your Petitioners, inconsistent with the proper functions of the Legislature, injurious to Religion itself, and an inevitable source of discord among the people ; and as, furthermore, all your Petitioners are agreed that the existing appropriation of such property in this Colony necessarily inflicts injustice on those who support their own religious system, by compelling them to support those also of others in which they have neither faith nor advantage, it is imperative for social peace, for religious freedom, and for healthy legislation, that such uses of the State property should cease ; and therefore, your Petitioners beseech your Honorable House to adopt such measures as shall seem most desirable, consistent with the proper claims of present recipients of the said property, to accomplish this object.

And your Petitioners, as in duty bound, will ever pray.

Signed on behalf of the said Petitioners, pursuant to Resolution adopted at said meeting, by me,

G. EAGAR,
Chairman.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.

(GEORGE WHITEFORD AND OTHERS.)

Received by the Legislative Assembly, 11 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

Newcastle, July 4th, 1862.

The humble Petition of the undersigned,—

To the Honorable the Legislative Assembly of New South Wales,—

RESPECTFULLY SHEWETH:—

That your Petitioners believing that the cause of Religion will be most effectually promoted by the voluntary action of its friends, and believing further that all State Grants for religious purposes are injurious to Religion and inconsistent with the Word of God, and believing moreover that the agitation occasioned by such grants will become more intense and universal until they cease, and every Church is left to support and propagate itself:

We humbly pray your Honorable House to adopt such measures as may seem fit (consistent with the proper claim of present recipients) to bring them to an end as speedily as possible.

And your Petitioners will ever pray.

[Here follow 28 Signatures.]

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 data collection techniques. The primary data was gathered through direct observation and interviews, while secondary data was obtained from existing reports and databases.

The third section details the statistical analysis performed on the collected data. This involves the use of descriptive statistics to summarize the data and inferential statistics to test hypotheses. The results of these analyses are presented in a clear and concise manner, highlighting the key findings of the study.

Finally, the document concludes with a discussion of the implications of the findings. It suggests that the results have significant implications for the field of study and provides recommendations for further research. The author also acknowledges the limitations of the study and offers suggestions for how these can be addressed in future work.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.

(CERTAIN MEMBERS OF COMMITTEE OF CONGREGATIONAL HOME MISSIONARY SOCIETY FOR
NEW SOUTH WALES, RESIDENT IN SYDNEY.)

*Received by the Legislative Assembly, 16 July, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

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

The Petition of the undersigned Members of the Committee of the Congregational
Home Missionary Society for New South Wales, resident in Sydney,—

RESPECTFULLY SHEWETH :—

That it is no part of the function of Government to furnish religious instruction for the people, nor is it the duty of the State to provide for the maintenance of Public Worship.

That the practice of aiding several, and to some extent conflicting, denominations, now prevailing in this Colony, is absurd in principle, and is productive of jealousy and discontent among the people. That it injures rather than aids its ostensible object, by affording a substance of excuse for those who neglect their duty, in providing for the decent and orderly support of their religious institutions. That it is manifestly unjust, by compelling your Petitioners to contribute to the support of other denominations, your Petitioners having erected churches and maintained ministers, without any assistance from the public funds, and have aided considerably in the support of religious ordinances in the country districts.

Your Petitioners, therefore, pray that your Honorable House, forthwith, to adopt such measures, and to pass such enactments, as shall (first duly protecting all just claims of the present recipients) provide for the entire abolition of all State Aid to Religion and Public Worship in this Colony.

And your Petitioners, as in duty bound, will ever pray, &c.

[Here follow 11 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.

(SMITHFIELD AND VICINITY.)

*Received by the Legislative Assembly, 28 July, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

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

The Petition of the undersigned Inhabitants of Smithfield and its vicinity,—

RESPECTFULLY SHEWETH:—

That the appropriation of the State property for the maintenance of Religion is, in the opinion of many of your Petitioners, inconsistent with the proper functions of the Legislature, injurious to Religion itself, and an inevitable source of discord among the people; and as, furthermore, all your Petitioners are agreed that the existing appropriation of such property in this Colony necessarily inflicts injustice on those who support their own religious system, by compelling them to support those also of others in which they have neither faith nor advantage, it is imperative for social peace, for religious freedom, and for healthy legislation, that such uses of the State property should cease.

And therefore your Petitioners beseech your Honorable House to adopt such measures as shall seem most desirable, consistent with the proper claims of present recipients of the said property, to accomplish this object.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 23 Signatures.]

1862.

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LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.

(COMMITTEE OF SYNOD OF EASTERN AUSTRALIA, ON INDISCRIMINATE ENDOWMENTS.)

*Received by the Legislative Assembly, 26 June, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

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

The Petition of the Committee of the "Synod of Eastern Australia" on "Indis-
criminate Endowments,"—

HUMBLY SHEWETH:—

That the system of indiscriminate religious endowments which exists in this Colony is utterly unsound in principle; inasmuch as by extending countenance and aid to antagonistic creeds, it places truth and error on the same level, and thus practically denies that the former has any other claim for its support than must be conceded to the latter.

That the endowment of several religious denominations, and still more of denomina-
tions evidently and avowedly antagonistic to each other, involves a wasteful expenditure of
the public money.

That while professing to be an impartial one, the present system is, in reality, partial
in its operation, a fruitful source of alienation and division, and places at a disadvantage
those denominations who provide religious ministrations for themselves without the assistance
of Government aid.

That, in the opinion of your Petitioners, the total abolition of this unscriptural system
would be productive of good, and not of evil, to the interests of true religion.

That your Petitioners approve, in its main principle, of the Bill now before your
Honorable House relating to this subject; and while they would not object to an adequate
compensation to the present recipients of Government aid, for the loss of any rights they
may have acquired, yet your Petitioners humbly submit that the future payment of their
salaries to them on the ground of continued service, would so far be a perpetuation of the
present objectionable system.

Your Petitioners therefore humbly pray your Honorable House to pass the said Bill,
but with such alterations as may prevent the continuance of the present system.

And your Petitioners will ever pray, &c.

In name and by appointment of the above-named Committee of the
Synod of Eastern Australia,

25 June, 1862.

JOHN KINROSS, Convener.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.
(DISTRICT OF TENTERFIELD.)

*Received by the Legislative Assembly, 29 July, 1862, and Printed under the Sessional Order
of 4 June, 1862.*

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

The humble Petition of the undersigned Inhabitants of the District of Tenterfield,—

RESPECTFULLY SHEWETH :—

That your Petitioners strongly approve of State Aid to Religion, and would rather that the Grant for that purpose secured by the Constitution Act should be increased than diminished.

That your Petitioners view with alarm the consequences which must necessarily ensue, should State Aid to Religion be either abolished or withdrawn, inasmuch as the Colony of New South Wales is not in a position to admit of such a proceeding; and would respectfully submit to your Honorable House, that the State is bound by law, not only to protect, but to provide for the administration of the ordinances of Religion, and for which purposes the Church and School Lands were originally appropriated.

That your Petitioners would respectfully beg your Honorable House to pause before passing a Bill to abolish State Aid to Religion, until at least an endowment should be provided from private contributions, and from the alienation of the Church and School Lands, to be provided in proportions, according to the Census Returns, between the several denominations which have been in the habit of receiving State Aid; and either reject the measure altogether, or allow the Bill now under consideration to pass in its integrity.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 71 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.

(ULLADULLA.)

Received by the Legislative Assembly, 30 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of the undersigned Inhabitants of Ulladulla,—

RESPECTFULLY SHEWETH:—

1.—That, in the opinion of your Petitioners, the Christian Scriptures are the best source of knowledge respecting the means of propagating Christianity, and that they invariably deprecate the use of force, injustice, or fraud, for any religious purpose whatever.

2.—That as Christianity never was so successful as at first, when it was dependent altogether upon the sincerity, zeal, philanthropy, and liberality of its adherents, it is but reasonable to expect that a similar independent position, in relation to States, would tend to accomplish a similar desirable result.

3.—That, according to the known principles that sway humanity in general, it cannot be otherwise than that State emoluments, contingent on the profession of a creed, must necessarily generate hypocrisy, subserviency, and indolence, in the recipients, as the history of every State Church testifies.

4.—That as no Legislature has been empowered by God to supersede or supplement the laws of Christ relative to the spread of His Gospel, it is presumptuous, unwarrantable, and anti-christian, that any compact should be either made or continued subversive of the authority of the Christian's only Lawgiver and King.

5.—That the endowment of conflicting creeds, some of which must be essentially false and ruinous, is ridiculous to common sense, confounds truth and error, is a heavy and intolerable tax upon all true Christians, and the grossest libel on the Bible, its Author, and its friends.

6.—That for these and other reasons, your Petitioners most respectfully intreat your Honorable House to cancel every form of ecclesiastical endowment.

And your Petitioners, as in duty bound, will ever pray, &c.

[Here follow 64 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

STATE AID TO RELIGION.

(ULLADULLA AND ITS VICINITY.)

Received by the Legislative Assembly, 12 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Inhabitants of Ulladulla and its vicinity,—

RESPECTFULLY SHEWETH:—

That at a public meeting of the Inhabitants of Ulladulla and its vicinity, held on the 26th day of July, 1862, the following Resolution was passed by a large majority:—
“ That it is expedient to continue State Aid to Religion.”

Your Petitioners, therefore, humbly pray that your Honorable House will not pass any Act for the abolition of State Aid to Religion, considering, as they do, that it is necessary for the welfare of the different Churches, especially for those in country districts, that aid should be afforded them by the Government.

And your Petitioners, as in duty bound, will ever pray, &c.

[Here follow 95 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.

(FAIRY MEADOW.)

Received by the Legislative Assembly, 19 June, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of the undersigned Inhabitants of Fairy Meadow and its vicinity,—

SHEWETH:—

That your Petitioners have heard with deep regret that an attempt will be made to induce your Honorable House to discontinue the grant hitherto annually made for religious purposes; for, in the opinion of your Petitioners, such an act would materially and injuriously affect the spiritual condition of the Colonists, and retard the progress of the Colony morally, socially, and intellectually.

That as this is a young Colony, and was peopled under circumstances unfavourable to its rapid advancement in religion and morality, your Petitioners think that your Honorable House should continue the grant which has heretofore operated so beneficially.

That your Petitioners having ascertained that institutions such as the Sydney Benevolent Asylum do not receive from the Colonists the aid which their usefulness merits, believe that to commit the higher interests of religion, which are admitted to be not only intimately connected with individual happiness, but also with the prosperity of nations, to the precarious support of the voluntary system, would be detrimental to the Colony.

Your Petitioners therefore pray that the present grant for ecclesiastical purposes may be continued.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 35 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.
(AMERICAN CREEK AND ITS VICINITY.)

*Received by the Legislative Assembly, 19 June, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

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

The humble Petition of the undersigned Inhabitants of American Creek and its vicinity,—

RESPECTFULLY SHEWETH:—

1st.—That your Petitioners have learned with much concern that it is proposed to introduce into Parliament a Bill for the abolition of the Aid to Religion in this Colony which was secured by the Constitution Act.

2nd.—That such a measure is, in the estimation of your Petitioners, highly inexpedient, and calculated to inflict serious injury upon the moral and religious interests of the Colony, and would, if adopted, have the effect of depriving various districts of those religious ordinances which they now enjoy.

3rd.—That your Petitioners are of opinion that, instead of withdrawing, sound policy would rather dictate the increase of Aid to Religion from the public Revenue, especially in the more thinly peopled districts, it being found impossible in them to provide for the support of the Clergy by voluntary effort.

4th.—That your Petitioners may refer, in support of this opinion, to what has taken place on the Gold Fields, from which several Ministers of Religion have been withdrawn, in consequence of the failure of the means of their support.

Your Petitioners, therefore, humbly pray that your Honorable House will take these premises into your favourable consideration, and guard against an evil from which so much injury to the interests of society is to be apprehended.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 72 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.
(WOLLONGONG.)

*Received by the Legislative Assembly, 20 June, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

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

The Petition of the undersigned Inhabitants of Wollongong,—

SHEWETH :—

That your Petitioners have heard with deep regret, that an attempt will be made to induce your Honorable House to discontinue the grant hitherto annually made for religious purposes; for, in the opinion of your Petitioners, such an act would injuriously affect the spiritual condition of the colonists, and retard the progress of the Colony, morally, socially, and intellectually.

That as this is a young Colony, and was peopled under circumstances unfavourable to its rapid advancement in religion and morality, your Petitioners think that your Honorable House should continue the grant which has hitherto operated so beneficially.

That your Petitioners having ascertained that institutions such as the Sydney Benevolent Asylum do not receive from the colonists the aid which their usefulness merits, believe that to commit the higher interests of religion, which are admitted to be not only intimately connected with individual happiness, but also with the prosperity of nations, to the precarious support of the voluntary system, would be detrimental to the Colony.

Your Petitioners therefore pray that the present grant for ecclesiastical purposes may be continued.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 67 Signatures.]

1862.

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LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.
(CAMDEN.)

*Received by the Legislative Assembly, 20 June, 1862, and Printed under the Sessional Order
of 4 June, 1862.*

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

The humble Petition of the undersigned Colonists, in the District of Camden,—

RESPECTFULLY SHEWETH :—

1.—That your Petitioners have learned with much concern, that it is proposed to introduce into Parliament a Bill for the abolition of the Aid to Religion in this Colony which was secured by the Constitution Act.

2.—That such a measure is, in the estimation of your Petitioners, highly inexpedient, and calculated to inflict serious injury upon the moral and religious interests of the Colony, and would, if adopted, have the effect of depriving many districts of those religious ordinances which they now enjoy.

3.—That your Petitioners are of opinion that, instead of withdrawing, sound policy would rather dictate the increase of Aid to Religion from the public Revenue, especially in the more sparsely peopled districts, in which it is found impossible to provide for the support of the Clergy by voluntary effort.

4.—That, in support of this opinion, your Petitioners may refer to what has taken place on the Gold Fields, from which several Ministers of Religion have been withdrawn, in consequence of the failure of the means of their support.

Your Petitioners, therefore, humbly pray that your Honorable House will take these premises into your favourable consideration, and guard against an evil from which so much injury to the interests of society is to be apprehended.

And your Petitioners, as in duty bound, will ever pray, &c.

[Here follow 74 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

STATE AID TO RELIGION.

(UPPER COLO AND ITS VICINITY.)

Received by the Legislative Assembly, 24 June, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Residents of Upper Colo and its vicinity,—

RESPECTFULLY SHEWETH :—

1st.—That your Petitioners have learned with much concern that a Bill has been introduced into Parliament for the abolition of the Aid to Religion in this Colony which was secured by the Constitution Act.

2nd.—That such a measure is, in the estimation of your Petitioners, highly inexpedient, and calculated to inflict serious injury upon the moral and religious interests of the Colony, and would, if adopted, have the effect of depriving various districts of the religious ordinances which they now enjoy.

3rd.—That your Petitioners are of opinion that, instead of withdrawing, sound policy would rather dictate the increase of Aid to Religion from the public Revenue, especially in the more thinly peopled districts, it being found impossible in them to provide for the support of the Clergy by voluntary effort.

Your Petitioners, therefore, humbly pray that your Honorable House will take these premises into your favourable consideration, and guard against an evil from which so much injury to the interests of society is to be apprehended.

And your Petitioners, as in duty bound, will ever pray

[Here follow 14 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

STATE AID TO RELIGION.

(WILBERFORCE AND ITS VICINITY.)

Received by the Legislative Assembly, 24 June, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Residents of Wilberforce and its vicinity,—

RESPECTFULLY SHEWETH :—

1. That your Petitioners have learned with much concern that it is proposed to introduce into Parliament a Bill for the abolition of the Aid to Religion in this Colony which was secured by the Constitution Act.

2. That such a measure is, in the estimation of your Petitioners, highly inexpedient, and calculated to inflict serious injury upon the moral and religious interests of the Colony, and would, if adopted, have the effect of depriving various districts of the religious ordinances which they now enjoy.

3. That your Petitioners are of opinion that, instead of withdrawing, sound policy would rather dictate the increase of Aid to Religion from the public Revenue, especially in the more sparsely peopled districts, it being found impossible in them to provide for the support of the Clergy by voluntary effort.

4. Your Petitioners, therefore, humbly pray that your Honorable House will take these premises into your favourable consideration, and guard against an evil from which so much injury to the interests of society is to be apprehended.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 175 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

STATE AID TO RELIGION.

(PITT TOWN AND ITS VICINITY.)

*Received by the Legislative Assembly, 24 June, 1862, and Printed under the Sessional Order
of 4 June, 1862.*

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

The humble Petition of the undersigned Residents of Pitt Town and its vicinity,—

RESPECTFULLY SHEWETH :—

1st.—That your Petitioners have learned with much concern that it is proposed to introduce into Parliament a Bill for the abolition of the Aid to Religion in this Colony which was secured by the Constitution Act.

2nd.—That such a measure is, in the estimation of your Petitioners, highly inexpedient, and calculated to inflict serious injury upon the moral and religious interests of the Colony, and would, if adopted, have the effect of depriving various districts of the religious ordinances which they now enjoy.

3rd.—That your Petitioners are of opinion that, instead of withdrawing, sound policy would rather dictate the increase of Aid to Religion from the public Revenue, especially in the more sparsely peopled districts, it being found impossible in them to provide for the support of the Clergy by voluntary effort.

Your Petitioners, therefore, humbly pray that your Honorable House will take these premises into your favourable consideration, and guard against an evil from which so much injury to the interests of society is to be apprehended.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 53 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.
(HOLY TRINITY PARISH, SYDNEY.)

Received by the Legislative Assembly, 25 June, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Colonists, of Holy Trinity Parish, Sydney,—

RESPECTFULLY SHEWETH:—

That your Petitioners have learned with much concern that it is proposed to introduce into Parliament a Bill for the abolition of the Aid to Religion in this Colony which was secured by the Constitution Act.

That such a measure is, in the estimation of your Petitioners, highly inexpedient, and calculated to inflict serious injury upon the moral and religious interests of the Colony, and would, if adopted, have the effect of depriving various districts of those religious ordinances which they now enjoy.

That your Petitioners are of opinion that, instead of withdrawing, sound policy would rather dictate the increase of Aid to Religion from the public Revenue, especially in the more sparsely peopled districts, it being found impossible in them to provide for the support of the Clergy by voluntary effort.

That your Petitioners may refer, in support of this opinion, to what has taken place on the Gold Fields, from which several Ministers of Religion have been withdrawn, in consequence of the failure of the means of their support.

Your Petitioners, therefore, humbly pray that your Honorable House will take these premises into your favourable consideration, and guard against an evil from which so much injury to the interests of society is to be apprehended.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 98 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.
(PARISH OF ST. JAMES.)

*Received by the Legislative Assembly, 25 June, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

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

The humble Petition of the undersigned Residents in the Parish of St. James,—

RESPECTFULLY SHEWETH :—

1st.—That your Petitioners have learned with much concern that a Bill for the abolition of the Aid to Religion in this Colony which was secured by the Constitution Act is now before your Honorable House.

2nd.—That such a measure is, in the opinion of your Petitioners, highly inexpedient, and calculated to inflict serious injury upon the moral and religious interests of the Colony, and would, if adopted, have the effect of depriving various districts of those religious ordinances which they now enjoy.

3rd.—That your Petitioners are of opinion that, instead of withdrawing, sound policy would rather dictate the increase of Aid to Religion from the public Revenue, especially in the more sparsely peopled districts, it being found impossible in them to provide for the support of the Clergy by voluntary effort.

4th.—That your Petitioners may refer, in support of this opinion, to what has taken place on the Gold Fields, from which several Ministers of Religion have been withdrawn, in consequence of the failure of the means of their support.

Your Petitioners, therefore, humbly pray that your Honorable House will take these premises into your favourable consideration, and guard against an evil from which so much injury to the interests of society is to be apprehended.

[Here follow 141 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.
(BULLI AND ITS VICINITY.)

Received by the Legislative Assembly, 25 June, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of the undersigned Inhabitants of Bulli and its vicinity,—

SHEWETH:—

That your Petitioners have heard with deep regret that an attempt will be made to induce your Honorable House to discontinue the grant hitherto annually made for religious purposes; for, in the opinion of your Petitioners, such an act would injuriously affect the spiritual condition of the Colonists, and retard the progress of the Colony morally, socially, and intellectually.

That as this is a young Colony, and was peopled under circumstances unfavourable to its rapid advancement in religion and morality, your Petitioners think that your Honorable House should continue the grant which has heretofore operated so beneficially.

That your Petitioners having ascertained that institutions such as the Sydney Benevolent Asylum do not receive from the Colonists the aid which their usefulness merits, believe that to commit the higher interests of religion, which are admitted to be not only intimately connected with individual happiness, but also with the prosperity of nations, to the precarious support of the voluntary system, would be detrimental to the Colony.

Your Petitioners therefore pray that the present grant for ecclesiastical purposes may be continued.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 16 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

STATE AID TO RELIGION.

(RICHMOND AND THE ADJACENT DISTRICT.)

*Received by the Legislative Assembly, 26 June, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

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

The humble Petition of the undersigned Members of the Church of England,
resident in Richmond and the adjacent District,—

RESPECTFULLY SHEWETH :—

1st.—That your Petitioners have learned with much concern, that a Bill has been introduced into Parliament, having for its object the abolition of the Aid to Religion in this Colony which was secured by the Constitution Act.

2nd.—That such a measure is, in the estimation of your Petitioners, highly inexpedient, and calculated to inflict serious injury upon the moral and religious interests of the Colony, and would, if adopted, have the effect of depriving various districts of those religious ordinances which they now enjoy.

3rd.—That your Petitioners are of opinion that, instead of withdrawing, sound policy would rather dictate the increase of Aid to Religion from the public Revenue, especially in the more sparsely peopled districts, it being found impossible in them to provide for the support of the Clergy by voluntary effort.

4th.—That your Petitioners may refer, in support of this opinion, to what has taken place on the Gold Fields, from which several Ministers of Religion have been withdrawn, in consequence of the failure of the means of their support.

Your Petitioners, therefore, humbly pray that your Honorable House will take these premises into your favourable consideration, and guard against an evil from which so much injury to the interests of society is to be apprehended, by withholding your assent from the Bill now before your Honorable House.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 448 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.
(DAPTO.)

*Received by the Legislative Assembly, 26 June, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

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

The Petition of the undersigned Inhabitants of Dapto,—

SHewETH :—

That your Petitioners have heard with deep regret, that an attempt will be made to induce your Honorable House to discontinue the grant hitherto annually made for religious purposes; for, in the opinion of your Petitioners, such an act would injuriously affect the spiritual condition of the Colonists, and retard the progress of the Colony, morally, socially, and intellectually.

That as this is a young Colony, and was peopled under circumstances unfavourable to its rapid advancement in religion and morality, your Petitioners think that your Honorable House should continue the grant which has hitherto operated so beneficially.

That your Petitioners having ascertained that institutions such as the Sydney Benevolent Asylum do not receive from the Colonists the aid which their usefulness merits, believe that to commit the higher interests of religion, which are admitted to be not only intimately connected with individual happiness, but also with the prosperity of nations, to the precarious support of the voluntary system, would be detrimental to the Colony.

Your Petitioners therefore pray that the present grant for ecclesiastical purposes may be continued.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 53 Signatures.]

1862.

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LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.

(WINDSOR AND THE NEIGHBOURHOOD.)

*Received by the Legislative Assembly, 26 June, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

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

The humble Petition of the undersigned Colonists resident in Windsor and the
neighbourhood,—

RESPECTFULLY SHEWETH:—

1st.—That your Petitioners have learned with much concern that a Bill for the abolition of the Aid to Religion in this Colony which was secured by the Constitution Act has been introduced into Parliament.

2nd.—That such a measure is, in the estimation of your Petitioners, highly inexpedient, and calculated to inflict serious injury upon the moral and religious interests of the Colony, and would, if adopted, have the effect of depriving various districts of those religious ordinances which they now enjoy.

3rd.—That your Petitioners are of opinion that, instead of withdrawing, sound policy would rather dictate the increase of Aid to Religion from the public Revenue, especially in the more sparsely peopled districts, it being found impossible in them to provide for the support of the Clergy by voluntary effort.

4th.—That your Petitioners may refer, in support of this opinion, to what has taken place on the Gold Fields, from which several Ministers of Religion have been withdrawn, in consequence of the failure of the means of their support.

Your Petitioners, therefore, humbly pray that your Honorable House will take these premises into your favourable consideration, and guard against an evil from which so much injury to the interests of society is to be apprehended.

And your Petitioners, as in duty bound, will every pray.

[Here follow 258 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

STATE AID TO RELIGION.

(DISTRICT OF BATHURST.)

Received by the Legislative Assembly, 26 June, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Colonists, in the District of Bathurst,—

RESPECTFULLY SHEWETH :—

1st.—That your Petitioners have learned with much concern, that a Bill for the abolition of the Aid to Religion in this Colony which was secured by the Constitution Act is now before Parliament.

2nd.—That such a measure is, in the estimation of your Petitioners, highly inexpedient, and calculated to inflict serious injury upon the moral and religious interests of the Colony, and would, if adopted, have the effect of depriving various districts of those religious ordinances which they now enjoy.

3rd.—That your Petitioners are of opinion that, instead of withdrawing, sound policy would rather dictate the increase of Aid to Religion from the public Revenue, especially in the more sparsely peopled districts, it being found impossible in them to provide for the support of the Clergy by voluntary effort.

4th.—That your Petitioners may refer, in support of this opinion, to what has taken place on the Gold Fields, from which several Ministers of Religion have been withdrawn, in consequence of the failure of the means of their support.

Your Petitioners, therefore, humbly pray that your Honorable House will take these premises into your favourable consideration, and guard against an evil from which so much injury to the interests of society is to be apprehended.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 155 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.

(PICTON, THE OAKS, AND WEST BARGO.)

Received by the Legislative Assembly, 1 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of the undersigned Members of the Church of England, and others of the Reformed Faith, resident in the District of Picton, The Oaks, and West Bargo,—

HUMBLY SHEWETH:—

That your Petitioners have learned with much concern, that a Bill for the abolition of State Aid to Religion in this Colony has been introduced into the Colonial Parliament.

That your Petitioners feel convinced that, should this Bill be passed into law, the consequences would be most disastrous to the religious welfare of the Colony.

That your Petitioners are of opinion that, instead of withdrawing, sound policy would rather dictate the increase of Aid to Religion from the public Revenue, especially in the thinly populated districts, it being found impossible in them to provide for the support of the Clergy by voluntary efforts.

That your Petitioners may refer, in support of this opinion, to what has taken place at the Gold Fields, from which several Ministers of Religion have been withdrawn, in consequence of the failure of the means of their support.

Your Petitioners, therefore, humbly pray that a measure so disastrous in its effects upon the interests of society may not be passed into law.

And your Petitioners will ever pray.

[Here follow 164 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.

(COOK AND NARELLAN.)

*Received by the Legislative Assembly, 4 July, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

To the Honorable the Legislative Assembly (or Council) of New South Wales, in Parliament
assembled.

The humble Petition of the undersigned Colonists of the Parish of Cook and
Narellan,—

RESPECTFULLY SHEWETH:—

1st.—That your Petitioners have learned with much concern, that a Bill for the
abolition of the Aid to Religion in this Colony which was secured by the Constitution Act
has been introduced into Parliament.

2nd.—That such a measure is, in the estimation of your Petitioners, highly inexpe-
dient, and calculated to inflict serious injury upon the moral and religious interests of the
Colony, and would, if adopted, have the effect of depriving various districts of those
religious ordinances which they now enjoy.

3rd.—That your Petitioners are of opinion that, instead of withdrawing, sound policy
would rather dictate the increase of Aid to Religion from the public Revenue, especially in
the more sparsely peopled districts, it being found impossible in them to provide for the
support of the Clergy by voluntary effort.

4th.—That your Petitioners may refer, in support of this opinion, to what has taken
place on the Gold Fields, from which several Ministers of Religion have been withdrawn, in
consequence of the failure of the means of their support.

Your Petitioners, therefore, humbly pray that your Honorable House will take these
premises into your favourable consideration, and guard against an evil from which so much
injury to the interests of society is to be apprehended.

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

[Here follow 48 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

STATE AID TO RELIGION.

(MEMBERS OF CHURCH OF ENGLAND, RYDE.)

*Received by the Legislative Assembly, 9 July, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

To the Honorable the Legislative Assembly.

The humble Petition of the Members of the Church of England, at Ryde:—

Whereas it reasonably appears to your Petitioners, that the withdrawal of State Aid towards the support of Ministers of Religion, at the present time, would be injurious to the religious and moral welfare of the people, your Petitioners therefore humbly pray that such Aid may be continued.

And your Petitioners will ever pray.

[Here follow 62 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.
(RESIDENTS OF DARLINGHURST.)

*Received by the Legislative Assembly, 9 July, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

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

The humble Petition of the undersigned Residents of Darlinghurst,—

SHewETH:—

That your Petitioners have heard with pain and regret, that a Bill has been introduced into your Honorable House to abolish the Aid to Religion which is secured and provided for by the Constitution Act.

That your Petitioners are firmly persuaded that the withdrawal of the Aid so provided for the maintenance of Public Worship would be injurious to the interests of Religion in general, and highly prejudicial to the religious and moral welfare of the whole community.

That your Petitioners respectfully submit that if the said proposed measure is passed into law, a breach of the public faith will be committed towards all those persons who have built or subscribed towards the building of Churches and places for Public Worship, under and in pursuance of the Act commonly known as "Sir Richard Bourke's Church Act."

Your Petitioners, therefore, earnestly pray your Honorable House to maintain the provision contained in the said Constitution Act for the maintenance of Public Worship, and not to pass the said Bill.

And your Petitioners will ever pray, &c.

[Here follow 87 Signatures.]

Sydney, June, 1862.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

STATE AID TO RELIGION.

(PARISH OF WILLOUGHBY.)

Received by the Legislative Assembly, 9 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of the undersigned Residents in the Parish of Willoughby, in the District of St. Leonard's,—

RESPECTFULLY SHEWETH :—

1.—That your Petitioners have heard with unmixed regret, that a measure is now before your Honorable House for the abolition of State Aid to Religion, and that it is proposed to bring in a Bill for the purpose of accomplishing that object.

2.—That your Petitioners, viewing with alarm any act which shall tend to remove the feeble support now given by the Government towards the advancement of Religion in this land, amidst a population which is unprepared and unable to take upon itself the sole responsibility of making provision for the maintenance of Religion, especially in country districts, feel it their duty to express their firm and settled conviction, that the withdrawal of State Aid will be attended by consequences of the most perilous kind to the continuance of the means of grace, where they are most needed.

3.—That your Petitioners further desire to express their opinion that, in any case, the abolition of the present payments made to clergymen who have fulfilled the engagements into which they entered when they became recipients of State Aid, and who entered into those engagements on the faith that they would continue to receive the only certain (however insufficient) support which they have hitherto received, would be an act of repudiation which they trust your Honorable House, in its wisdom, will not confirm or sanction.

4.—That instead of withdrawing the feeble aid which is now afforded by the grants secured by the Constitution Act, your Petitioners would rather desire your Honorable House to afford even further assistance towards the ministry of God's Word, which is the chief barrier in every land against infidelity, immorality, and crime.

5.—That your Petitioners therefore earnestly hope your Honorable House will not sanction or authorize any measure which will have for its object the abolition of State Aid.

And, as in duty bound, your Petitioners will ever pray.

[Here follow 114 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.
(PATRICK'S PLAINS.)

Received by the Legislative Assembly, 10 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

The Petition of the Catholic Population of Patrick's Plains.

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

The humble Petition of the undersigned Residents of Patrick's Plains,—

RESPECTFULLY SHEWETH:—

That your Petitioners have learned with feelings of regret, that it is proposed to introduce into Parliament, a Bill for the abolition of the Aid to Religion in this Colony which was secured by the Constitution Act.

That such a measure is, in the estimation of your Petitioners, calculated to be injurious and prejudicial to the interests of religion, and if adopted, must undoubtedly deprive many parts of that religious instruction and supervision so essential to the moral and religious training of society.

That your Petitioners are of opinion that sound policy should dictate the increase rather than the withdrawal of such aid to religion, more particularly in the thinly-populated parts of the Colony.

Your Petitioners, therefore, humbly pray that your Honorable House will take these premises into your favourable consideration, and protect an interest so essential to the well-being of society.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 144 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.

(MUDGEES.)

Received by the Legislative Assembly, 10 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Members of the Church of England, in the District of Mudgee,—

RESPECTFULLY SHEWETH :—

1. That your Petitioners observe, with deep regret, that a Bill having for its object the abolition of State Aid to Religion in this Colony is now before your Honorable House.

2. That your Petitioners have trusted that the amount presently devoted to the support of religion was secured by the Constitution Act.

3. That the withdrawal by the Government of the Colony of all aid to the objects of religion is, in the opinion of your Petitioners, highly undesirable, more especially with reference to those parts of the Colony in which the population is thin and widely scattered, and cannot be expected to maintain their own ministers.

4. That your Petitioners respectfully urge upon your Honorable House the soundness and wisdom of that policy which assists in maintaining religion, if with no higher object than the view of promoting morality and order among the people.

5. That your Petitioners would assure your Honorable House of their conviction, that upon inquiry it would be found that a very large majority of those Colonists who take an active part in the promotion of the religious and moral welfare of the Colony are desirous that State Aid, as at present given, should be continued.

Your Petitioners, therefore, humbly pray that your Honorable House will take these premises into your favourable consideration, and guard against an evil from which so much injury to the best interests of society is to be apprehended.

And your Petitioners, as in duty bound, will ever pray, &c.

[Here follow 57 Signatures.]

Dated this 4th day of July, 1862.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.
(QUEANBEYAN.)

*Received by the Legislative Assembly, 10 July, 1862, and Printed under the Seasonal
Order of 4 June, 1862.*

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

The humble Petition of the undersigned Colonists, in the District of Queanbeyan,—

RESPECTFULLY SHEWETH:—

1.—That your Petitioners have learned with much concern, that it is proposed to introduce into Parliament a Bill for the abolition of the Aid to Religion in this Colony which was secured by the Constitution Act.

2.—That such a measure is, in the estimation of your Petitioners, highly inexpedient, and calculated to inflict serious injury upon the moral and religious interests of the Colony, and would, if adopted, have the effect of depriving many districts of those religious ordinances which they now enjoy.

3.—That your Petitioners are of opinion that, instead of withdrawing, sound policy would rather dictate the increase of Aid to Religion from the public Revenue, especially in the more sparsely peopled districts, it being found impossible in them to provide for the support of the Clergy by voluntary effort.

4.—That your Petitioners may refer, in support of this opinion, to what has taken place on the Gold Fields, from which several Ministers of Religion have been withdrawn, in consequence of the failure of the means of their support.

Your Petitioners, therefore, humbly pray that your Honorable House will take these premises into your favourable consideration, and guard against an evil from which so much injury to the interests of society is to be apprehended.

And your Petitioners, as in duty bound, will ever pray, &c.

[Here follow 130 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.

(ASHFIELD, CANTERBURY, AND PETERSHAM.)

Received by the Legislative Assembly, 10 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Inhabitants of Ashfield, Canterbury, and Petersham,—

RESPECTFULLY SHEWETH :—

1.—That your Petitioners have learned with much concern, that it is proposed to introduce into Parliament a Bill for the abolition of the Aid to Religion in this Colony which was secured by the Constitution Act.

2nd.—That such a measure is, in the estimation of your Petitioners, highly inexpedient, and calculated to inflict serious injury upon the moral and religious interests of the Colony, and would, if adopted, have the effect of depriving various districts of those religious ordinances which they now enjoy.

3rd.—That your Petitioners are of opinion that, instead of withdrawing, sound policy would rather dictate the increase of Aid to Religion from the public Revenue, especially in the more sparsely peopled districts, it being found impossible in them to provide for the support of the Clergy by voluntary effort.

4th.—That your Petitioners may refer, in support of this opinion, to what has taken place on the Gold Fields, from which several Ministers of Religion have been withdrawn, in consequence of the failure of the means of their support.

Your Petitioners, therefore, humbly pray that your Honorable House will take these premises into your favourable consideration, and guard against an evil from which so much injury to the interests of society is to be apprehended.

And your Petitioners, as in duty bound, will ever pray, &c.

[Here follow 66 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

STATE AID TO RELIGION.

(PARRAMATTA.)

Received by the Legislative Assembly, 11 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Colonists of New South Wales, in Parramatta,—

SHEWETH:—

That your Petitioners have heard with much regret that a Bill has been introduced into your Honorable House, by which it is intended to provide for the discontinuance of the aid hitherto afforded by the State towards the support of the Public Worship of Almighty God.

That your Petitioners are firmly persuaded that the assistance afforded by such State Aid is in accordance with the Word of God, and that its withdrawal will be productive of very disastrous effects to the Colony at large.

Your Petitioners, therefore, pray that your Honorable House will withhold its sanction from any Bill which might have the effect of withdrawing the assistance hitherto granted by the State towards the maintenance of the Public Worship of Almighty God.

And your Petitioners will ever pray.

[Here follow 146 Signatures.]

2011

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.

(RICHARD BLYTH, J.P., AND OTHERS.)

Received by the Legislative Assembly, 11 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Members of the Church of England,—

RESPECTFULLY SHEWETH,—

That your Petitioners approve of State Aid to Religion as sound in principle and beneficial in practice, and desire the increase of the grant in aid of Religion (secured by the Constitution Act) rather than its diminution or gradual abolition.

That your Petitioners are assured that incalculable injury would be done to all classes of the people of this Colony if the religious ministrations at present enjoyed by them were to any extent diminished.

That corresponding benefit would certainly accrue to them if such ministrations could be largely increased.

That your Petitioners are persuaded that such increase of religious ministrations cannot reasonably be expected as the result of private efforts alone.

And your Petitioners would, therefore, desire your Honorable House to pass such measures as to your Honorable House may seem most expedient to promote that prosperity which, as the result of good order and improved morality, is sure to follow upon increased religious ministrations.

And your Petitioners, as in duty bound, will ever pray, &c.

[Here follow 55 Signatures.]

1862.

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LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.
(GOULBURN.)

*Received by the Legislative Assembly, 11 July, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

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

The humble Petition of the undersigned Colonists, being the majority at a Public
Meeting (held at Goulburn, on Monday, 7th July, to consider the question
of State Aid to Religion) and of other Inhabitants of Goulburn,—

RESPECTFULLY SHEWETH:—

1.—That your Petitioners have learned with much concern, that it is proposed to introduce into Parliament a Bill for the abolition of the Aid to Religion in this Colony which was secured by the Constitution Act.

2.—That such a measure is, in the estimation of your Petitioners, highly inexpedient, and calculated to inflict serious injury upon the moral and religious interests of the Colony, and would, if adopted, have the effect of depriving various districts of those religious ordinances which they now enjoy.

3.—That your Petitioners are of opinion that, instead of withdrawing, sound policy would rather dictate the increase of Aid to Religion from the public Revenue, especially in the more sparsely peopled districts.

Your Petitioners, therefore, humbly pray that your Honorable House will take these premises into your favorable consideration, and guard against an evil from which so much injury to the interests of society is to be apprehended.

And your Petitioners, as in duty bound, will ever pray, &c.

[Here follow 804 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.

(CHIPPENDALE, REDFERN, AND WATERLOO.)

Received by the Legislative Assembly, 11 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Members of the Church of England,
resident in Chippendale, Redfern, and Waterloo,—

RESPECTFULLY SHEWETH:—

1.—That your Petitioners have learned with much concern, that it is proposed to introduce into Parliament a Bill for the abolition of the Aid to Religion in this Colony which was secured by the Constitution Act.

2.—That such a measure is, in the estimation of your Petitioners, highly inexpedient, and calculated to inflict serious injury upon the moral and religious interests of the Colony, and would, if adopted, have the effect of depriving various districts of those religious ordinances which they now enjoy.

3.—That your Petitioners are of opinion that, instead of withdrawing, sound policy would rather dictate the increase of Aid to Religion from the public Revenue, especially in the more sparsely peopled districts, it being found impossible in them to provide for the support of the Clergy by voluntary effort.

4.—That your Petitioners may refer, in support of this opinion, to what has taken place on the Gold Fields, from which several Ministers of Religion have been withdrawn, in consequence of the failure of the means of their support.

Your Petitioners, therefore, humbly pray that your Honorable House will take these premises into your favorable consideration, and guard against an evil from which so much injury to the interests of society is to be apprehended.

And your Petitioners, as in duty bound, will ever pray, &c.

[Here follow 259 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.

(ST. PETER'S, COOK'S RIVER.)

Received by the Legislative Assembly, 15 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Inhabitants of the District of St. Peter's, Cook's River, in the Parish of Petersham,—

RESPECTFULLY SHEWETH:—

That whereas there are many large Districts in this Colony, containing a numerous but scattered population, in which no provision is made from public funds for the ordinances of Religion:

And whereas these Districts are unable of themselves to furnish maintenance for a Clergyman without aid from richer Districts:

And whereas the Districts now endowed by the State will not be able to aid the more destitute as heretofore, if that State endowment be withdrawn,—in which case immorality and error will lamentably increase:

And whereas it has already been found that this spiritual destitution has been severely felt in the Gold Fields from which the State Aid was withdrawn:

Therefore your Petitioners humbly pray that your Honorable House will take these matters into favourable consideration, and guard against so great an evil to society, by continuing the present Aid to Religion from the public funds, which rather needs to be increased than diminished, to meet the wants of the increasing population.

And your Petitioners will every pray, &c.

[Here follow 97 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.

(SMITHFIELD AND ITS VICINITY.)

Received by the Legislative Assembly, 16 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Colonists, residing at Smithfield and its vicinity,—

SHEWETH :—

1. That your Petitioners have heard with much regret, that a Bill has been introduced into your Honorable House, to provide for the discontinuance of the Aid hitherto afforded to the maintenance of the Public Worship of Almighty God in this Colony.

2. That your Petitioners believe the present system to be a legitimate and appropriate method of acknowledging the dependence of the State upon the blessing of the Almighty, and of securing a certain amount of religious instruction for the people of the Colony, and they think that the sum so set apart should be increased rather than diminished.

3. That your Petitioners are convinced that the effect of the withdrawal of that aid will be, in all human probability, to deprive many places in the scattered districts of the Colony of the means of grace, and to abandon them to irreligion and total forgetfulness of God.

4. Your Petitioners, therefore, humbly pray your Honorable House to refuse its sanction to any Bill which would have the effect of withdrawing the aid hitherto afforded to the maintenance of the Public Worship of God in this land.

And your Petitioners will ever pray.

[Here follow 73 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

STATE AID TO RELIGION.

(INHABITANTS OF CHARCOAL.)

Received by the Legislative Assembly, 17 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Inhabitants of Charcoal (near Wollongong) and its vicinity,—

RESPECTFULLY SHEWETH :—

1.—That your Petitioners have learned, with much concern, that it is proposed to introduce into Parliament a Bill for the abolition of the Aid to Religion in this Colony which was secured by the Constitution Act.

2.—That such a measure is, in the estimation of your Petitioners, highly inexpedient, and calculated to inflict serious injury upon the moral and religious interests of the Colony, and would, if adopted, have the effect of depriving various districts of those religious ordinances which they now enjoy.

3.—That your Petitioners are of opinion that, instead of withdrawing, sound policy would rather dictate the increase of Aid to Religion from the public Revenue, especially in the more thinly peopled districts, it being found impossible in them to provide for the support of the clergy by voluntary effort.

4.—That your Petitioners may refer, in support of this opinion, to what has taken place on the Gold Fields, from which several ministers of religion have been withdrawn, in consequence of the failure of the means of their support.

Your Petitioners, therefore, humbly pray that your Honorable House will take these premises into your favourable consideration, and guard against an evil from which so much injury to the interests of society is to be apprehended.

And your Petitioners, as in duty bound, will ever pray, &c.

[Here follow 22 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.
(MURRURUNDI)

Received by the Legislative Assembly, 22 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of the undersigned Catholic Inhabitants of Murrurundi,—

HUMBLY SHEWETH:—

That your Petitioners have heard, with deep regret, that an attempt will be made to induce your Honorable House to discontinue the grant hitherto made to Religion; for, in the opinion of your Petitioners, such an act would retard the progress of the Colony, morally, socially, and intellectually.

That as this is a young Colony, and was peopled under circumstances unfavourable to its rapid advancement in religion and morality, your Petitioners think that your Honorable House should continue the grant which has heretofore operated so beneficially.

That your Petitioners believe, that to commit the interests of religion, which are admitted to be intimately connected with individual happiness and the prosperity of nations, to the precarious support of the voluntary system, would be highly detrimental to the Colony.

Your Petitioners, therefore, pray that the present grant for religious purposes may be continued.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 123 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.
(DISTRICT OF SOFALA.)

Received by the Legislative Assembly, 22 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly, in Parliament assembled.

The humble Petition of the undersigned Colonists, Inhabitants of the District of Sofala,—

RESPECTFULLY SHEWETH :—

1st.—That your Petitioners have learned with much concern, that it is proposed to introduce into Parliament a Bill for the abolition of the Aid to Religion in this Colony which was secured by the Constitution Act.

2nd.—That such a measure is, in the estimation of your Petitioners, highly inexpedient, and calculated to inflict serious injury upon the moral and religious interests of the Colony, and would, if adopted, have the effect of depriving various districts of those religious ordinances which they now enjoy.

3rd.—That your Petitioners are of opinion that, instead of withdrawing, sound policy would rather dictate the increase of Aid to Religion from the public Revenue, especially in the more sparsely settled districts, it being found impossible in them to provide for the support of the clergy by voluntary effort.

4th.—That your Petitioners may refer, in support of their opinion, to what has taken place on the Gold Fields, from which several ministers of religion have been withdrawn, in consequence of the failure of the means of their support.

Your Petitioners, therefore, humbly pray that your Honorable House will take these premises into your favourable consideration, and guard against an evil from which so much injury to the interests of society is to be apprehended.

And your Petitioners, as in duty bound, will ever pray, &c.

[Here follow 153 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.

(SIGNED BY GEORGE GURNEY, B.A., CLERGYMAN OF CHURCH OF ENGLAND, JAMBEROO, AND OTHERS.)

Received by the Legislative Assembly, 22 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Members of the Church of England,—

RESPECTFULLY SHEWETH :—

1. That your Petitioners have learned with much concern that a Bill has been introduced into Parliament for the abolition of the Aid to Religion in this Colony which was secured by the Constitution Act.

2. That such a measure is, in the estimation of your Petitioners, highly inexpedient, and calculated to inflict serious injury upon the moral and religious interests of the Colony, and would, if adopted, have the effect of depriving various districts of those religious ordinances which they now enjoy.

3. That your Petitioners would respectfully represent that the aid given to the older parishes of the Colony materially assists the remoter and poorer districts. One-half of the salary of the clergyman of this district is paid by the Sydney Church Society, the subscribers of which principally reside in parishes where assistance towards the support of the clergy is received from the public Revenue; and your Petitioners fear, that if the aid hitherto given to those parishes is withdrawn, it will be impossible for them to maintain a clergyman.

4. That your Petitioners are of opinion that, instead of withdrawing, sound policy would rather dictate the increase of Aid to Religion from the public Revenue, especially in the more sparsely peopled districts, it being found impossible in them to provide for the support of the clergy by voluntary effort.

5. That your Petitioners may refer, in support of this opinion, to what has taken place on the Gold Fields, from which several ministers have been withdrawn, in consequence of the failure of the means of their support.

Your Petitioners, therefore, humbly pray that your Honorable House will take these premises into your favourable consideration, and guard against an evil from which so much injury to the interests of society is to be apprehended.

And your Petitioners, as in duty bound, will ever pray, &c., &c.

[Here follow 72 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.

(SUTTON FOREST.)

Received by the Legislative Assembly, 22 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Colonists, resident in Sutton Forest,—

RESPECTFULLY SHEWETH:—

1. That your Petitioners have learned with much concern, that a Bill for the abolition of the Aid to Religion in this Colony which was secured by the Constitution Act has been introduced into Parliament.

2. That such a measure is, in the estimation of your Petitioners, highly inexpedient, and calculated to inflict serious injury upon the moral and religious interests of the Colony, and would, if adopted, have the effect of depriving various districts of those religious ordinances which they now enjoy.

3. That your Petitioners are of opinion that, instead of withdrawing, sound policy would rather dictate the increase of Aid to Religion from the public Revenue, especially in the more sparsely peopled districts, it being found impossible in them to provide for the support of the Clergy by voluntary effort.

4. That your Petitioners may refer, in support of this opinion, to what has taken place on the Gold Fields, from which several Ministers of Religion have been withdrawn, in consequence of the failure of the means of their support.

Your Petitioners, therefore, humbly pray that your Honorable House will take these premises into your favourable consideration, and guard against an evil from which so much injury to the interests of society is to be apprehended.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 99 Signatures.]

1862.

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 LEGISLATIVE ASSEMBLY.
 NEW SOUTH WALES.

STATE AID TO RELIGION.
 (CATHOLIC POPULATION OF MUSWELLBROOK.)

*Received by the Legislative Assembly, 23 July, 1862, and Printed under the Sessional
 Order of 4 June, 1862.*

The Petition of the Catholic Population of Muswellbrook, to the Honorable the Legislative
 Assembly of New South Wales, in Parliament assembled,—

HUMBLY SHEWETH:—

That your Petitioners have heard with unfeigned regret, that an attempt will be made to induce your Honorable House to discontinue the grant hitherto annually made for religious purposes; because, in the opinion of your Petitioners, such an Act would injuriously affect the spiritual condition of the Colonists, and retard the progress of the Colony, morally, socially, and intellectually.

That your Petitioners, seeing that the benevolent institutions of the Colony do not receive from the colonists the aid which their usefulness deserves, believe that to commit the higher interests of religion—which are admitted to be not only intimately connected with individual happiness, but also with the prosperity of nations—to the precarious support of the voluntary system, would be detrimental to the Colony.

Your Petitioners, therefore, pray that your Honorable House may continue the grant hitherto made for ecclesiastical purposes.

And your Petitioners will ever pray, &c.

[Here follow 70 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.

(CATHOLICS OF PICTON.)

Received by the Legislative Assembly, 23 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the Catholics of Picton,—

SHewETH:—

1. That your Petitioners observe with grief, the several propositions now under discussion for the total or partial abolition of that moderate degree of aid by which the Church Act promotes the interests of Religion, in securing a portion of the common funds towards the maintenance of the Ministers of Religion.

2. That your Petitioners respectfully urge on the consideration of your Honorable House the fact, that an absolute covenant exists between the Government and all those parties who, throughout the Colony, have accepted and fulfilled the terms of the covenant proposed in the said Act.

3. That the people of New South Wales, in the various districts, have expended money in building Churches, with full confidence that those Churches were endowed with an annuity from the common funds; and that the ecclesiastical authorities of the several denominations have drawn from their people frequent contributions for building Churches and Ministers' residences, and have invited from Europe Ministers of Religion, deeming that the public faith was pledged to the permanency of that partial support of a Minister in perpetuity which was undertaken by the Church Act.

4. That your Petitioners have just ground for considering the clerical stipends established by the said Act to be annuities—debts under a covenant—to which the parties are, on one side, not the clergy of the day, but the people who build Churches; and on the other side, Her Majesty the Queen, the Imperial Parliament, and the Colonial Government.

5. That if it were maintained that a limit to the operation of the Church Act was proposed or implied in the Constitution Act, it could be at most a limit of the amount of the annuity (£28,000), and not a limit of time determining its duration. The Queen surrendered into the hands of the Colonial Government the disposal of the Waste Lands, and in consideration of such surrender accepted certain sums, to be provided annually, amongst which sums is this for Public Worship; and the very circumstance that a limit of amount alone is stated, authorizes clearly the inference that no limit in duration was intended.

6. That the annuity for Public Worship is as much an integrant part of the Constitution Act as is the annuity for Pensions, and that both of them are similarly and equally protected by the guarantee of public honor.

7. That your Petitioners believe the principle of Sir R. Bourke's Act, viz., the re-distribution of a small amount of public money amongst the people of the country, according to the numbers of their respective denominations, for religious purposes, as for other safeguards of good order, is sound and statesmanlike, and that to abandon it would be a mistake and a calamity. Sir R. Bourke fixes his provision at a small annual sum, not intending by any means to supersede voluntary contributions, because he designed to supply only an aid in support of the clergy—not a competent maintenance; he wished, up to a certain moderate degree, to protect clergy from the impediments of local caprice, or inability, or apathy; and such a precaution your Petitioners believe to be still in the highest degree expedient.

8. That your Petitioners beg to record their protest against the two ordinary misrepresentations by which it is sought to prejudice Sir R. Bourke's principle of State Aid, viz.: 1st—The assertion that by it Ministers of Religion are made subject to political influences; and 2nd—That by it the State is made the teacher of antagonistic systems of Religion, and therefore of falsehood as well as of truth. Your Petitioners, on the contrary, assert these facts: First—That the small amount of the so-called State Aid, and the circumstance of its being placed on the same basis as men's title to any other property, render the notion of political influence through it simply ridiculous; and secondly—That the State in this country neither professes to teach, nor ought to teach, any system of Christianity, but recognizes as its utmost function the maintenance, in some tolerable degree, of the principles of natural Religion and of the preservatives of good order.

Your Petitioners, therefore, pray that no withdrawal of State Aid to Religion may take place, but that the provisions of the Church Act may be continued, and confidence in the public faith of New South Wales remain undisturbed.

And they will ever pray.

[Here follow 104 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.

(CATHOLICS OF ST. MARY'S CATHEDRAL AND THE DISTRICT.)

*Received by the Legislative Assembly, 23 July, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

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

The humble Petition of the Catholics of St. Mary's Cathedral and the district,—

SHewETH:—

1. That your Petitioners observe with grief, the several propositions now under discussion for the total or partial abolition of that moderate degree of aid by which the Church Act promotes the interests of Religion, in securing a portion of the common funds towards the maintenance of the Ministers of Religion.

2. That your Petitioners respectfully urge on the consideration of your Honorable House the fact, that an absolute covenant exists between the Government and all those parties who, throughout the Colony, have accepted and fulfilled the terms of the covenant proposed in the said Act.

3. That the people of New South Wales, in the various districts, have expended money in building Churches, with full confidence that those Churches were endowed with an annuity from the common funds; and that the ecclesiastical authorities of the several denominations have drawn from their people frequent contributions for building Churches and Ministers' residences, and have invited from Europe Ministers of Religion, deeming that the public faith was pledged to the permanency of that partial support of a Minister in perpetuity which was undertaken by the Church Act.

4. That your Petitioners have just ground for considering the clerical stipends established by the said Act to be annuities—debts under a covenant—to which the parties are, on one side, not the clergy of the day, but the people who build Churches; and on the other side, Her Majesty the Queen, the Imperial Parliament, and the Colonial Government.

5. That if it were maintained that a limit to the operation of the Church Act was proposed or implied in the Constitution Act, it could be at most a limit of the amount of the annuity (£28,000), and not a limit of time determining its duration. The Queen surrendered into the hands of the Colonial Government the disposal of the Waste Lands, and in consideration of such surrender accepted certain sums, to be provided annually, amongst which sums is this for Public Worship; and the very circumstance that a limit of amount alone is stated, authorizes clearly the inference that no limit in duration was intended.

6. That the annuity for Public Worship is as much an integrant part of the Constitution Act as is the annuity for Pensions, and that both of them are similarly and equally protected by the guarantee of public honor.

7. That your Petitioners believe the principle of Sir R. Bourke's Act, viz., the re-distribution of a small amount of public money amongst the people of the country, according to the numbers of their respective denominations, for religious purposes, as for other safeguards of good order, is sound and statesmanlike, and that to abandon it would be a mistake and a calamity. Sir R. Bourke fixes his provision at a small annual sum, not intending by any means to supersede voluntary contributions, because he designed to supply only an aid in support of the clergy—not a competent maintenance; he wished, up to a certain moderate degree, to protect clergy from the impediments of local caprice, or inability, or apathy; and such a precaution your Petitioners believe to be still in the highest degree expedient.

8. That your Petitioners beg to record their protest against the two ordinary misrepresentations by which it is sought to prejudice Sir R. Bourke's principle of State Aid, viz. : 1st—The assertion that by it Ministers of Religion are made subject to political influences ; and 2nd—That by it the State is made the teacher of antagonistic systems of Religion, and therefore of falsehood as well as of truth. Your Petitioners, on the contrary, assert these facts : First—That the small amount of the so-called State Aid, and the circumstance of its being placed on the same basis as men's title to any other property, render the notion of political influence through it simply ridiculous ; and secondly—That the State in this Country neither professes to teach, nor ought to teach, any system of Christianity, but recognizes as its utmost function the maintenance, in some tolerable degree, of the principles of natural Religion and of the preservatives of good order. The State need not be considered as going beyond this function in such provisions as those of Sir R. Bourke's Act ; and so much as this your Petitioners conceive to be the wisdom and the duty of the Government in every civilized community.

Your Petitioners, therefore, pray that no withdrawal of State Aid to Religion may take place, but that the provisions of the Church Act may be continued, and confidence in the public faith of New South Wales remain undisturbed.

And they will ever pray.

[Here follow 572 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.
(WILLIAMS DISTRICT.)

Received by the Legislative Assembly, 23 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Residents of the Williams District,—
RESPECTFULLY SHEWETH :—

1st.—That your Petitioners have heard with considerable alarm, that an attempt will be made to abolish State Aid to Religion under certain modified circumstances.

2nd.—That your Petitioners most sincerely believe such abolition would be attended with injurious effects to the interior of the country.

3rd.—That your Petitioners believe the population too scattered to support ministers of religion without assistance from the State.

4th.—That your Petitioners believe such abolition to be opposed to the wishes of the great majority of the people, and therefore pray that sufficient time be allowed to ascertain the sentiments of the different constituencies before the passing of such Bill.

And your Petitioners, as in duty bound, will ever pray, &c.

[Here follow 90 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.

(CATHOLICS OF WEST MAITLAND.)

Received by the Legislative Assembly, 23 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the Catholics of West Maitland,—

SHEWETH :—

1. That your Petitioners observe with grief, the several propositions now under discussion for the total or partial abolition of that moderate degree of aid by which the Church Act promotes the interests of Religion, in securing a portion of the common funds towards the maintenance of the Ministers of Religion.

2. That your Petitioners respectfully urge on the consideration of your Honorable House the fact, that an absolute covenant exists between the Government and all those parties who, throughout the Colony, have accepted and fulfilled the terms of the covenant proposed in the said Act.

3. That the people of New South Wales, in the various districts, have expended money in building Churches, with full confidence that those Churches were endowed with an annuity from the common funds; and that the ecclesiastical authorities of the several denominations have drawn from their people frequent contributions for building Churches and Ministers' residences, and have invited from Europe Ministers of Religion, deeming that the public faith was pledged to the permanency of that partial support of a Minister in perpetuity which was undertaken by the Church Act.

4. That your Petitioners have just ground for considering the clerical stipends established by the said Act to be annuities—debts under a covenant—to which the parties are, on one side, not the clergy of the day, but the people who build Churches; and on the other side, Her Majesty the Queen, the Imperial Parliament, and the Colonial Government.

5. That if it were maintained that a limit to the operation of the Church Act was proposed or implied in the Constitution Act, it could be at most a limit of the amount of the annuity (£28,000), and not a limit of time determining its duration. The Queen surrendered into the hands of the Colonial Government the disposal of the Waste Lands, and in consideration of such surrender accepted certain sums, to be provided annually, amongst which sums is this for Public Worship; and the very circumstance that a limit of amount alone is stated, authorizes the inference that no limit in duration was intended.

6. That the annuity for Public Worship is as much an integrant part of the Constitution Act as is the annuity for Pensions, and that both of them are similarly and equally protected by the guarantee of public honor.

7. That your Petitioners believe the principle of Sir R. Bourke's Act, viz., the re-distribution of a small amount of public money amongst the people of the country, according to the numbers of their respective denominations, for religious purposes, as for other safeguards of good order, is sound and statesmanlike, and that to abandon it would be a mistake and a calamity. Sir R. Bourke fixes his provision at a small annual sum, not intending by any means to supersede voluntary contributions, because he designed to supply only an aid in support of the clergy—not a competent maintenance; he wished, up to a certain moderate degree, to protect clergy from the impediments of local caprice, or inability, or apathy; and such a precaution your Petitioners believe to be still in the highest degree expedient.

8. That your Petitioners beg to record their protest against the two ordinary misrepresentations by which it is sought to prejudice Sir R. Bourke's principle of State Aid, viz. : 1st—The assertion that by it Ministers of Religion are made subject to political influences; and 2nd—That by it the State is made the teacher of antagonistic systems of Religion, and therefore of falsehood as well as of truth. Your Petitioners, on the contrary, assert these facts: First—The small amount of the so-called State Aid, and the circumstance of its being placed on the same basis as men's title to any other property, render the notion of political influence through it simply ridiculous; and secondly—That the State in this Country neither professes to teach, nor ought to teach, any system of Christianity, but recognizes as its utmost function the maintenance, in some tolerable degree, of the principles of natural Religion and of the preservatives of good order. The State need not be considered as going beyond this function in such provisions as those of Sir R. Bourke's Act; and so much as this your Petitioners conceive to be the wisdom and the duty of the Government in every civilized community.

Your Petitioners, therefore, pray that no withdrawal of State Aid to Religion may take place, but that the provisions of the Church Act may be continued, and confidence in the public faith of New South Wales remain undisturbed.

And they will ever pray.

[*Here follow 275 Signatures.*]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.

(MEMBERS OF THE CHURCH OF ENGLAND, SYDNEY.)

Received by the Legislative Assembly, 23 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of the undersigned Clergymen and Churchwardens, Members of the Church of England, in the City of Sydney,—

RESPECTFULLY SHEWETH :—

1. That your Petitioners have, for several years, in conjunction with many of their fellow churchmen, taken a lively interest in the extension of the ordinances of religion in this Colony.

2. That in the rural districts, voluntary efforts, unaided by supplementary contributions from without, often prove totally inadequate to the maintenance of the clergy, and of the ordinances of public worship, and that, in consequence, many such districts are at the present time destitute of the means of grace.

3. That in such districts it is found that the clergy are sometimes subject to serious inconveniences, owing to the non-payment of their stipends for three, six, nine, or even twelve months after they are due, not always from the unwillingness of the people to contribute, but from the impracticability of collecting from them the required amount.

4. That, owing to these difficulties, several of the clergy have been subject to great pecuniary losses, and have been compelled to withdraw from the posts they occupied.

5. That it is the practice of some of the wealthier and more populous parishes to contribute towards supplying the wants of their poorer brethren, through a Society called the Church Society for the Diocese of Sydney, but that this Society, through the Divine blessing, it has accomplished much, has, nevertheless, proved inadequate to the demands made upon its resources.

6. That in the event of State Aid to Religion being withdrawn, however gradually, from those parishes now receiving it, the difficulties attending the extension of religion will be greatly increased; and your Petitioners believe that many country districts will in consequence be deprived of religious ordinances, and suffer great moral injury.

Your Petitioners, therefore, humbly pray that your Honorable House will take the premises into your grave consideration, and withhold your assent from any measure which shall have the effect of abolishing that State endowment which is now secured by law for the support of Public Worship.

[Here follow 29 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.
(DISTRICT OF BERRIMA.)

Received by the Legislative Assembly, 22 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Colonists in the district of Berrima,—

RESPECTFULLY SHEWETH:—

1.—That your Petitioners have learned with much concern, that it is proposed to introduce into Parliament a Bill for the abolition of the Aid to Religion in this Colony which was secured by the Constitution Act.

2nd.—That such a measure is, in the estimation of your Petitioners, highly inexpedient, and calculated to inflict serious injury upon the moral and religious interests of the Colony, and would, if adopted, have the effect of depriving many districts of those religious ordinances which they now enjoy.

3rd.—That your Petitioners are of opinion that, instead of withdrawing, sound policy would rather dictate the increase of Aid to Religion from the public Revenue, especially in the more sparsely peopled districts, in which it is found impossible to provide for the support of the Clergy by voluntary effort.

4th.—That, in support of this opinion, your Petitioners may refer to what has taken place on the Gold Fields, from which several Ministers of Religion have been withdrawn, in consequence of the failure of the means of their support.

Your Petitioners, therefore, humbly pray that your Honorable House will take these premises into your favourable consideration, and guard against an evil from which so much injury to the interests of society is to be apprehended.

And your Petitioners, as in duty bound, will ever pray, &c.

[Here follow 64 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.

(DISTRICT OF WAGGA WAGGA.)

Received by the Legislative Assembly, 23 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Colonists of New South Wales, in the District of Wagga Wagga,—

RESPECTFULLY SHEWETH :—

That your Petitioners have learned with much concern, that a Bill has been introduced into Parliament for the abolition of Aid to Religion in this Colony which was secured by the Constitution Act.

That such a measure is, in the estimation of your Petitioners, highly inexpedient, and calculated to inflict serious injury upon the moral and religious interests of the Colony, and would, if adopted, have the effect of depriving various districts of those religious ordinances which they now enjoy.

That your Petitioners are of opinion that, instead of withdrawing, sound policy would rather dictate the increase of Aid to Religion from the public revenue, especially in the more sparsely peopled districts in the country, it being found impossible in them to provide for the support of the clergy by voluntary effort.

That your Petitioners venture to suggest that an equal amount should be given by the Government to that contributed by the people, and your Petitioners plead the necessity for such an arrangement being carried out in the interior districts like Wagga Wagga.

Your Petitioners, therefore, pray that your Honorable House will take these premises into your favourable consideration.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 65 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

STATE AID TO RELIGION.

(CATHOLICS OF THE NEPEAN.)

Received by the Legislative Assembly, 23 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the Catholics of the Nepean,—

SHEWETH:—

1. That your Petitioners observe with grief, the several propositions now under discussion for the total or partial abolition of that moderate degree of aid by which the Church Act promotes the interests of Religion, in securing a portion of the common funds towards the maintenance of the Ministers of Religion.

2. That your Petitioners respectfully urge on the consideration of your Honorable House the fact, that an absolute covenant exists between the Government and all those parties who, throughout the Colony, have accepted and fulfilled the terms of the covenant proposed in the said Act.

3. That the people of New South Wales, in the various districts, have expended money in building Churches, with full confidence that those Churches were endowed with an annuity from the common funds; and that the ecclesiastical authorities of the several denominations have drawn from their people frequent contributions for building Churches and Ministers' residences, and have invited from Europe Ministers of Religion, deeming that the public faith was pledged to the permanency of that partial support of a Minister in perpetuity which was undertaken by the Church Act.

4. That your Petitioners have just ground for considering the clerical stipends established by the said Act to be annuities—debts under a covenant—to which the parties are, on one side, not the clergy of the day, but the people who build Churches; and on the other side, Her Majesty the Queen, the Imperial Parliament, and the Colonial Government.

5. That if it were maintained that a limit to the operation of the Church Act was proposed or implied in the Constitution Act, it could be at most a limit of the amount of the annuity (£28,000), and not a limit of time determining its duration. The Queen surrendered into the hands of the Colonial Government the disposal of the Waste Lands, and in consideration of such surrender accepted certain sums, to be provided annually, amongst which sums is this for Public Worship; and the very circumstance that a limit of amount alone is stated, authorizes clearly the inference that no limit in duration was intended.

6. That the annuity for Public Worship is as much an integrant part of the Constitution Act as is the annuity for Pensions, and that both of them are similarly and equally protected by the guarantee of public honor.

7. That your Petitioners believe the principle of Sir R. Bourke's Act, viz., the re-distribution of a small amount of public money amongst the people of the country, according to the numbers of their respective denominations, for religious purposes, as for other safeguards of good order, is sound and statesmanlike, and that to abandon it would be a mistake and a calamity. Sir R. Bourke fixes his provision at a small annual sum, not intending by any means to supersede voluntary contributions, because he designed to supply only an aid in support of the clergy—not a competent maintenance; he wished, up to a certain moderate degree, to protect clergy from the impediments of local caprice, or inability, or apathy; and such a precaution your Petitioners believe to be still in the highest degree expedient.

8. That your Petitioners beg to record their protest against the two ordinary misrepresentations by which it is sought to prejudice Sir R. Bourke's principle of State Aid, viz. : 1st—The assertion that by it Ministers of Religion are made subject to political influences ; and 2nd—That by it the State is made the teacher of antagonistic systems of Religion, and therefore of falsehood as well as of truth. Your Petitioners, on the contrary, assert these facts : First—That the small amount of the so-called State Aid, and the circumstance of its being placed on the same basis as men's title to any other property, render the notion of political influence through it simply ridiculous ; and secondly—That the State in this Country neither professes to teach, nor ought to teach, any system of Christianity, but recognizes as its utmost function the maintenance, in some tolerable degree, of the principles of natural Religion and of the preservatives of good order. The State need not be considered as going beyond this function in such provisions as those of Sir R. Bourke's Act ; and so much as this your Petitioners conceive to be the wisdom and the duty of the Government in every civilized community.

Your Petitioners, therefore, pray that no withdrawal of State Aid to Religion may take place, but that the provisions of the Church Act may be continued, and confidence in the public faith of New South Wales remain undisturbed.

And they will ever pray.

[Here follow 70 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

STATE AID TO RELIGION.

(CATHOLICS OF ST. BENEDICT'S, SYDNEY.)

Received by the Legislative Assembly, 23 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the Catholics of St. Benedict's, Sydney,—

SHewETH :—

1. That your Petitioners observe with grief, the several propositions now under discussion for the total or partial abolition of that moderate degree of aid by which the Church Act promotes the interests of Religion, in securing a portion of the common funds towards the maintenance of the Ministers of Religion.

2. That your Petitioners respectfully urge on the consideration of your Honorable House the fact, that an absolute covenant exists between the Government and all those parties who, throughout the Colony, have accepted and fulfilled the terms of the covenant proposed in the said Act.

3. That the people of New South Wales, in the various districts, have expended money in building Churches, with full confidence that those Churches were endowed with an annuity from the common funds; and that the ecclesiastical authorities of the several denominations have drawn from their people frequent contributions for building Churches and Ministers' residences, and have invited from Europe Ministers of Religion, deeming that the public faith was pledged to the permanency of that partial support of a Minister in perpetuity which was undertaken by the Church Act.

4. That your Petitioners have just ground for considering the clerical stipends established by the said Act to be annuities—debts under a covenant—to which the parties are, on one side, not the clergy of the day, but the people who build Churches; and on the other side, Her Majesty the Queen, the Imperial Parliament, and the Colonial Government.

5. That if it were maintained that a limit to the operation of the Church Act was proposed or implied in the Constitution Act, it could be at most a limit of the amount of the annuity (£28,000), and not a limit of time determining its duration. The Queen surrendered into the hands of the Colonial Government the disposal of the Waste Lands, and in consideration of such surrender accepted certain sums, to be provided annually, amongst which sums is this for Public Worship; and the very circumstance that a limit of amount alone is stated, authorizes clearly the inference that no limit in duration was intended.

6. That the annuity for Public Worship is as much an integrant part of the Constitution Act as is the annuity for Pensions, and that both of them are similarly and equally protected by the guarantee of public honor.

7. That your Petitioners believe the principle of Sir R. Bourke's Act, viz., the re-distribution of a small amount of public money amongst the people of the country, according to the numbers of their respective denominations, for religious purposes, as for other safeguards of good order, is sound and statesmanlike, and that to abandon it would be a mistake and a calamity. Sir R. Bourke fixes his provision at a small annual sum, not intending by any means to supersede voluntary contributions, because he designed to supply only an aid in support of the clergy—not a competent maintenance; he wished, up to a certain moderate degree, to protect clergy from the impediments of local caprice, or inability, or apathy; and such a precaution your Petitioners believe to be still in the highest degree expedient.

8. That your Petitioners beg to record their protest against the two ordinary misrepresentations by which it is sought to prejudice Sir R. Bourke's principle of State Aid, viz. : 1st—The assertion that by it Ministers of Religion are made subject to political influences; and 2nd—That by it the State is made the teacher of antagonistic systems of Religion, and therefore of falsehood as well as of truth. Your Petitioners, on the contrary, assert these facts: First—That the small amount of the so-called State Aid, and the circumstance of its being placed on the same basis as men's title to any other property, render the notion of political influence through it simply ridiculous; and secondly—That the State in this Country neither professes to teach, nor ought to teach, any system of Christianity, but recognizes as its utmost function the maintenance, in some tolerable degree, of the principles of natural Religion and of the preservatives of good order. The State need not be considered as going beyond this function in such provisions as those of Sir R. Bourke's Act; and so much as this your Petitioners conceive to be the wisdom and the duty of the Government in every civilized community.

Your Petitioners, therefore, pray that no withdrawal of State Aid to Religion may take place, but that the provisions of the Church Act may be continued, and confidence in the public faith of New South Wales remain undisturbed.

And they will ever pray.

[Here follow 145 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

STATE AID TO RELIGION.

(CATHOLICS OF ST. PATRICK'S, SYDNEY.)

Received by the Legislative Assembly, 23 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the Catholics of St. Patrick's, Sydney,—

SHEWETH:—

1. That your Petitioners observe with grief, the several propositions now under discussion for the total or partial abolition of that moderate degree of aid by which the Church Act promotes the interests of Religion, in securing a portion of the common funds towards the maintenance of the Ministers of Religion.

2. That your Petitioners respectfully urge on the consideration of your Honorable House the fact, that an absolute covenant exists between the Government and all those parties who, throughout the Colony, have accepted and fulfilled the terms of the covenant proposed in the said Act.

3. That the people of New South Wales, in the various districts, have expended money in building Churches, with full confidence that those Churches were endowed with an annuity from the common funds; and that the ecclesiastical authorities of the several denominations have drawn from their people frequent contributions for building Churches and Ministers' residences, and have invited from Europe Ministers of Religion, deeming that the public faith was pledged to the permanency of that partial support of a Minister in perpetuity which was undertaken by the Church Act.

4. That your Petitioners have just ground for considering the clerical stipends established by the said Act to be annuities—debts under a covenant—to which the parties are, on one side, not the clergy of the day, but the people who build Churches; and on the other side, Her Majesty the Queen, the Imperial Parliament, and the Colonial Government.

5. That if it were maintained that a limit to the operation of the Church Act was proposed or implied in the Constitution Act, it could be at most a limit of the amount of the annuity (£28,000), and not a limit of time determining its duration. The Queen surrendered into the hands of the Colonial Government the disposal of the Waste Lands, and in consideration of such surrender accepted certain sums, to be annually provided, amongst which sums is this for Public Worship; and the very circumstance that a limit of amount alone is stated, authorizes clearly the inference that no limit in duration was intended.

6. That the annuity for Public Worship is as much an integrant part of the Constitution Act as is the annuity for Pensions, and that both of them are similarly and equally protected by the guarantee of public honor.

7. That your Petitioners believe the principle of Sir R. Bourke's Act, viz., the re-distribution of a small amount of public money amongst the people of the country, according to the numbers of their respective denominations, for religious purposes, as for other safeguards of good order, is sound and statesmanlike, and that to abandon it would be a mistake and a calamity. Sir R. Bourke fixes his provision at a small annual sum, not intending by any means to supersede voluntary contributions, because he designed to supply only an aid in support of the clergy—not a competent maintenance; he wished, up to a certain moderate degree, to protect clergy from the impediments of local caprice, or inability, or apathy; and such a precaution your Petitioners believe to be still in the highest degree expedient.

8. That your Petitioners beg to record their protest against the two ordinary misrepresentations by which it is sought to prejudice Sir R. Bourke's principle of State Aid, viz.: 1st—The assertion that by it Ministers of Religion are made subject to political influences; and 2nd—That by it the State is made the teacher of antagonistic systems of Religion, and therefore of falsehood as well as of truth. Your Petitioners, on the contrary, assert these facts: First—That the small amount of the so-called State Aid, and the circumstance of its being placed on the same basis as men's title to any other property, render the notion of political influence through it simply ridiculous; and secondly—That the State in this country neither professes to teach, nor ought to teach, any system of Christianity, but recognizes as its utmost function the maintenance, in some tolerable degree, of the principles of natural Religion and of the preservatives of good order. The State need not be considered as going beyond this function in such provisions as those of Sir R. Bourke's Act; and so much as this your Petitioners conceive to be the wisdom and the duty of the Government in every civilized community.

Your Petitioners, therefore, pray that no withdrawal of State Aid to Religion may take place, but that the provisions of the Church Act may be continued, and confidence in the public faith of New South Wales remain undisturbed.

And they will ever pray.

[Here follow 409 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.

(CATHOLICS OF EAST MAITLAND.)

Received by the Legislative Assembly, 23 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the Catholics of East Maitland,—

SHewETH:—

1. That your Petitioners observe with grief, the several propositions now under discussion for the total or partial abolition of that moderate degree of aid by which the Church Act promotes the interests of Religion, in securing a portion of the common funds towards the maintenance of the Ministers of Religion.

2. That your Petitioners respectfully urge on the consideration of your Honorable House the fact, that an absolute covenant exists between the Government and all those parties who, throughout the Colony, have accepted and fulfilled the terms of the covenant proposed in the said Act.

3. That the people of New South Wales, in the various districts, have expended money in building Churches, with full confidence that those Churches were endowed with an annuity from the common funds; and that the ecclesiastical authorities of the several denominations have drawn from their people frequent contributions for building Churches and Ministers' residences, and have invited from Europe Ministers of Religion, deeming that the public faith was pledged to the permanency of that partial support of a Minister in perpetuity which was undertaken by the Church Act.

4. That your Petitioners have just ground for considering the clerical stipends established by the said Act to be annuities—debts under a covenant—to which the parties are, on one side, not the clergy of the day, but the people who build Churches; and on the other side, Her Majesty the Queen, the Imperial Parliament, and the Colonial Government.

5. That if it were maintained that a limit to the operation of the Church Act was proposed or implied in the Constitution Act, it could be at most a limit of the amount of the annuity (£28,000), and not a limit of time determining its duration. The Queen surrendered into the hands of the Colonial Government the disposal of the Waste Lands, and in consideration of such surrender accepted certain sums, to be provided annually, amongst which sums is this for Public Worship; and the very circumstance that a limit of amount alone is stated, authorizes clearly the inference that no limit in duration was intended.

6. That the annuity for Public Worship is as much an integrant part of the Constitution Act as is the annuity for Pensions, and that both of them are similarly and equally protected by the guarantee of public honor.

7. That your Petitioners believe the principle of Sir R. Bourke's Act, viz., the re-distribution of a small amount of public money amongst the people of the country, according to the numbers of their respective denominations, for religious purposes, as for other safeguards of good order, is sound and statesmanlike, and that to abandon it would be a mistake and a calamity. Sir R. Bourke fixes his provision at a small annual sum, not intending by any means to supersede voluntary contributions, because he designed to supply only an aid in support of the clergy—not a competent maintenance; he wished, up to a certain moderate degree, to protect clergy from the impediments of local caprice, or inability, or apathy; and such a precaution your Petitioners believe to be still in the highest degree expedient.

8. That your Petitioners beg to record their protest against the two ordinary misrepresentations by which it is sought to prejudice Sir R. Bourke's principle of State Aid, viz. :
 1st—The assertion that by it Ministers of Religion are made subject to political influences ; and
 2nd—That by it the State is made the teacher of antagonistic systems of Religion, and therefore of falsehood as well as of truth. Your Petitioners, on the contrary, assert these facts :
 First—That the small amount of the so-called State Aid, and the circumstance of its being placed on the same basis as men's title to any other property, render the notion of political influence through it simply ridiculous ; and secondly—That the State in this Country neither professes to teach, nor ought to teach, any system of Christianity, but recognizes as its utmost function the maintenance, in some tolerable degree, of the principles of natural Religion and of the preservatives of good order. The State need not be considered as going beyond this function in such provisions as those of Sir R. Bourke's Act ; and so much as this your Petitioners conceive to be the wisdom and the duty of the Government in every civilized community.

Your Petitioners, therefore, pray that no withdrawal of State Aid to Religion may take place, but that the provisions of the Church Act may be continued, and confidence in the public faith of New South Wales remain undisturbed.

And they will ever pray.

[Here follow 221 Signatures.]

Sydney : Thomas Richards, Government Printer.—1863.

[Price, 1d.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

STATE AID TO RELIGION.

(CATHOLICS OF PETERSHAM.)

Received by the Legislative Assembly, 23 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the Catholics of Petersham,—

SH EWETH :—

1. That your Petitioners observe with grief, the several propositions now under discussion for the total or partial abolition of that moderate degree of aid by which the Church Act promotes the interests of Religion, in securing a portion of the common funds towards the maintenance of the Ministers of Religion.

2. That your Petitioners respectfully urge on the consideration of your Honorable House the fact, that an absolute covenant exists between the Government and all those parties who, throughout the Colony, have accepted and fulfilled the terms of the covenant proposed in the said Act.

3. That the people of New South Wales in the various Districts, have expended money in building Churches, with full confidence that those Churches were endowed with an annuity from the common funds; and that the ecclesiastical authorities of the several denominations have drawn from their people frequent contributions for building Churches and Ministers' Residences, and have invited from Europe Ministers of Religion, deeming that the public faith was pledged to the permanency of that partial support of a Minister in perpetuity which was undertaken by the Church Act.

4. That your Petitioners have just ground for considering the clerical stipends established by the said Act to be annuities—debts under a covenant—to which the parties are, on one side, not the Clergy of the day, but the people who build Churches; and on the other side, Her Majesty the Queen, the Imperial Parliament, and the Colonial Government.

5. That if it were maintained that a limit to the operation of the Church Act was proposed or implied in the Constitution Act, it could be at most a limit of the amount of the annuity (£28,000), and not a limit of time determining its duration. The Queen surrendered into the hands of the Colonial Government the disposal of the Waste Lands, and in consideration of such surrender accepted certain sums, to be provided annually, amongst which sums is this for Public Worship; and the very circumstance that a limit of amount alone is stated, authorizes clearly the inference that no limit in duration was intended.

6. That the annuity for Public Worship is as much an integrant part of the Constitution Act as is the annuity for Pensions, and that both of them are similarly and equally protected by the guarantee of public honor.

7. That your Petitioners believe the principle of Sir R. Bourke's Act, viz., the redistribution of a small amount of public money amongst the people of the country, according to the numbers of their respective denominations, for religious purposes, as for other safeguards of good order, is sound and statesman-like, and that to abandon it would be a mistake and a calamity. Sir R. Bourke fixes his provision at a small annual sum, not intending by any means to supersede voluntary contributions, because he designed to supply only an aid in support of the Clergy—not a competent maintenance; he wished, up to a certain moderate degree, to protect Clergy from the impediments of local caprices, or inability, or apathy; and such a precaution your Petitioners believe to be still in the highest degree expedient.

8. That your Petitioners beg to record their protest against the two ordinary misrepresentations by which it is sought to prejudice Sir R. Bourke's principle of State Aid, viz.: 1st—The assertion that by it Ministers of Religion are made subject to political influences; and 2nd—That by it the State is made the teacher of antagonistic systems of Religion, and therefore of falsehood as well as of truth. Your Petitioners, on the contrary, assert these facts: First—That the small amount of the so-called State Aid, and the circumstance of its being placed on the same basis as men's title to any other property, render the notion of political influence through it simply ridiculous; and Secondly—That the State in this country neither professes to teach nor ought to teach any system of Christianity, but recognizes as its utmost function the maintenance, in some tolerable degree, of the principles of natural Religion and of the preservatives of good order. The State need not be considered as going beyond this function in such provisions as those of Sir R. Bourke's Act, and so much as this your Petitioners conceive to be the wisdom and the duty of the Government in every civilized community.

Your Petitioners, therefore, pray that no withdrawal of State Aid to Religion may take place, but that the provisions of the Church Act may be continued, and confidence in the public faith of New South Wales remain undisturbed:

And they will every pray.

JAMES MCGIRR.

PATRICK MCGURK.

JAMES MCGIRR, Junior.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

STATE AID TO RELIGION.

(CATHOLICS OF RAYMOND TERRACE.)

*Received by the Legislative Assembly, 23 July, 1862, and Printed under the Sesstional
Order of 4 June, 1862.*

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

The humble Petition of the Catholics of Raymond Terrace,—

SHEWETH :—

1. That your Petitioners observe with grief, the several propositions now under discussion for the total or partial abolition of that moderate degree of aid by which the Church Act promotes the interests of Religion, in securing a portion of the common funds towards the maintenance of the Ministers of Religion.

2. That your Petitioners respectfully urge on the consideration of your Honorable House the fact, that an absolute covenant exists between the Government and all those parties who, throughout the Colony, have accepted and fulfilled the terms of the covenant proposed in the said Act.

3. That the people of New South Wales, in the various districts, have expended money in building Churches, with full confidence that those Churches were endowed with an annuity from the common funds; and that the ecclesiastical authorities of the several denominations have drawn from their people frequent contributions for building Churches and Ministers' residences, and have invited from Europe Ministers of Religion, deeming that the public faith was pledged to the permanency of that partial support of a Minister in perpetuity which was undertaken by the Church Act.

4. That your Petitioners have just ground for considering the clerical stipends established by the said Act to be annuities—debts under a covenant—to which the parties are, on one side, not the clergy of the day, but the people who build Churches; and on the other side, Her Majesty the Queen, the Imperial Parliament, and the Colonial Government.

5. That if it were maintained that a limit to the operation of the Church Act was proposed or implied in the Constitution Act, it could be at most a limit of the amount of the annuity (£28,000), and not a limit of time determining its duration. The Queen surrendered into the hands of the Colonial Government the disposal of the Waste Lands, and in consideration of such surrender accepted certain sums, to be annually provided, amongst which sums is this for Public Worship; and the very circumstance that a limit of amount alone is stated, authorizes clearly the inference that no limit in duration was intended.

6. That the annuity for Public Worship is as much an integrant part of the Constitution Act as is the annuity for Pensions, and that both of them are similarly and equally protected by the guarantee of public honor.

7. That your Petitioners believe the principle of Sir R. Bourke's Act, viz., the re-distribution of a small amount of public money amongst the people of the country, according to the numbers of their respective denominations, for religious purposes, as for other safeguards of good order, is sound and statesmanlike, and that to abandon it would be a mistake and a calamity. Sir R. Bourke fixes his provision at a small annual sum, not intending by any means to supersede voluntary contributions, because he designed to supply only an aid in support of the clergy—not a competent maintenance; he wished, up to a certain moderate degree, to protect clergy from the impediments of local caprice, or inability, or apathy; and such a precaution your Petitioners believe to be still in the highest degree expedient.

8. That your Petitioners beg to record their protest against the two ordinary misrepresentations by which it is sought to prejudice Sir R. Bourke's principle of State Aid, viz.: 1st—The assertion that by it Ministers of Religion are made subject to political influences; and 2nd—That by it the State is made the teacher of antagonistic systems of Religion, and therefore of falsehood as well as of truth. Your Petitioners, on the contrary, assert these facts: First—That the small amount of the so-called State Aid, and the circumstance of its being placed on the same basis as men's title to any other property, render the notion of political influence through it simply ridiculous; and secondly—That the State in this country neither professes to teach, nor ought to teach, any system of Christianity, but recognizes as its utmost function the maintenance, in some tolerable degree, of the principles of natural Religion and of the preservatives of good order. The State need not be considered as going beyond this function in such provisions as those of Sir R. Bourke's Act; and so much as this your Petitioners conceive to be the wisdom and the duty of the Government in every civilized community.

Your Petitioners, therefore, pray that no withdrawal of State Aid to Religion may take place, but that the provisions of the Church Act may be continued, and confidence in the public faith of New South Wales remain undisturbed.

And they will ever pray.

[Here follow 133 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.

(CATHOLICS OF CAMPBELLTOWN AND MENANGLE.)

Received by the Legislative Assembly, 23 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the Catholics of Campbelltown and Menangle,—

SHewETH :—

1. That your Petitioners observe with grief, the several propositions now under discussion for the total or partial abolition of that moderate degree of aid by which the Church Act promotes the interests of Religion, in securing a portion of the common funds towards the maintenance of the Ministers of Religion.

2. That your Petitioners respectfully urge on the consideration of your Honorable House the fact, that an absolute covenant exists between the Government and all those parties who, throughout the Colony, have accepted and fulfilled the terms of the covenant proposed in the said Act.

3. That the people of New South Wales, in the various districts, have expended money in building Churches, with full confidence that those Churches were endowed with an annuity from the common funds; and that the ecclesiastical authorities of the several denominations have drawn from their people frequent contributions for building Churches and Ministers' residences, and have invited from Europe Ministers of Religion, deeming that the public faith was pledged to the permanency of that partial support of a Minister in perpetuity which was undertaken by the Church Act.

4. That your Petitioners have just ground for considering the clerical stipends established by the said Act to be annuities—debts under a covenant—to which the parties are, on one side, not the clergy of the day, but the people who build Churches; and on the other side, Her Majesty the Queen, the Imperial Parliament, and the Colonial Government.

5. That if it were maintained that a limit to the operation of the Church Act was proposed or implied in the Constitution Act, it could be at most a limit of the amount of the annuity (£28,000), and not a limit of time determining its duration. The Queen surrendered into the hands of the Colonial Government the disposal of the Waste Lands, and in consideration of such surrender accepted certain sums, to be provided annually, amongst which sums is this for Public Worship; and the very circumstance that a limit of amount alone is stated, authorizes the inference that no limit in duration was intended.

6. That the annuity for Public Worship is as much an integrant part of the Constitution Act as is the annuity for Pensions, and that both of them are similarly and equally protected by the guarantee of public honor.

7. That your Petitioners believe the principle of Sir R. Bourke's Act, viz., the re-distribution of a small amount of public money amongst the people of the country, according to the numbers of their respective denominations, for religious purposes, as for other safeguards of good order, is sound and statesmanlike, and that to abandon it would be a mistake and a calamity. Sir R. Bourke fixes his provision at a small annual sum, not intending by any means to supersede voluntary contributions, because he designed to supply only an aid in support of the clergy—not a competent maintenance; he wished, up to a certain moderate degree, to protect clergy from the impediments of local caprice, or inability, or apathy; and such a precaution your Petitioners believe to be still in the highest degree expedient.

8. That your Petitioners beg to record their protest against the two ordinary misrepresentations by which it is sought to prejudice Sir R. Bourke's principle of State Aid, viz. : 1st—The assertion that by it Ministers of Religion are made subject to political influences ; and 2nd—That by it the State is made the teacher of antagonistic systems of Religion, and therefore of falsehood as well as of truth. Your Petitioners, on the contrary, assert these facts : First—The small amount of the so-called State Aid, and the circumstance of its being placed on the same basis as men's title to any other property, render the notion of political influence through it simply ridiculous ; and secondly—That the State in this Country neither professes to teach, nor ought to teach, any system of Christianity, but recognizes as its utmost function the maintenance, in some tolerable degree, of the principles of natural Religion and of the preservatives of good order. The State need not be considered as going beyond this function in such provisions as those of Sir R. Bourke's Act ; and so much as this your Petitioners conceive to be the wisdom and the duty of the Government in every civilized community.

Your Petitioners, therefore, pray that no withdrawal of State Aid to Religion may take place, but that the provisions of the Church Act may be continued, and confidence in the public faith of New South Wales remain undisturbed.

And they will ever pray.

[Here follow 334 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

STATE AID TO RELIGION.

(CATHOLICS OF BALMAIN.)

Received by the Legislative Assembly, 23 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the Catholics of Balmain,—

SHewETH:—

1. That your Petitioners observe with grief, the several propositions now under discussion for the total or partial abolition of that moderate degree of aid by which the Church Act promotes the interests of Religion, in securing a portion of the common funds towards the maintenance of the Ministers of Religion.

2. That your Petitioners respectfully urge on the consideration of your Honorable House the fact, that an absolute covenant exists between the Government and all those parties who, throughout the Colony, have accepted and fulfilled the terms of the covenant proposed in the said Act.

3. That the people of New South Wales, in the various Districts, have expended money in building Churches, with full confidence that those Churches were endowed with an annuity from the common funds; and that the ecclesiastical authorities of the several denominations have drawn from their people frequent contributions for building Churches and Ministers' Residences, and have invited from Europe Ministers of Religion, deeming that the public faith was pledged to the permanency of that partial support of a Minister in perpetuity which was undertaken by the Church Act.

4. That your Petitioners have just ground for considering the clerical stipends established by the said Act to be annuities—debts under a covenant—to which the parties are, on one side, not the clergy of the day, but the people who build Churches; and on the other side, Her Majesty the Queen, the Imperial Parliament, and the Colonial Government.

5. That if it were maintained that a limit to the operation of the Church Act was proposed or implied in the Constitution Act, it could be at most a limit of the amount of the annuity (£28,000), and not a limit of time determining its duration. The Queen surrendered into the hands of the Colonial Government the disposal of the Waste Lands, and in consideration of such surrender accepted certain sums, to be provided annually, amongst which sums is this for Public Worship; and the very circumstance that a limit of amount alone is stated, authorizes clearly the inference that no limit in duration was intended.

6. That the annuity for Public Worship is as much an integrant part of the Constitution Act as is the annuity for Pensions, and that both of them are similarly and equally protected by the guarantee of public honor.

7. That your Petitioners believe the principle of Sir R. Bourke's Act, viz., the re-distribution of a small amount of public money amongst the people of the country according to the numbers of their respective denominations, for religious purposes, as for other safeguards of good order, is sound and statesman-like, and that to abandon it would be a mistake and a calamity. Sir R. Bourke fixes his provision at a small annual sum, not intending by any means to supersede voluntary contributions, because he designed to supply only an aid in support of the clergy—not a competent maintenance; he wished, up to a certain moderate degree, to protect Clergy from the impediments of local caprice, or inability, or apathy; and such a precaution your Petitioners believe to be still in the highest degree expedient.

8. That your Petitioners beg to record their protest against the two ordinary misrepresentations by which it is sought to prejudice Sir R. Bourke's principle of State Aid, viz. : 1st—The assertion that by it Ministers of Religion are made subject to political influences; and 2nd—That by it the State is made the teacher of antagonistic systems of Religion, and therefore of falsehood as well as of truth. Your Petitioners, on the contrary, assert these facts: First—That the small amount of the so-called State Aid, and the circumstance of its being placed on the same basis as men's title to any other property, render the notion of political influence through it simply ridiculous; and Secondly—That the State in this Country neither professes to teach, nor ought to teach, any system of Christianity, but recognizes as its utmost function the maintenance, in some tolerable degree, of the principles of natural Religion and of the preservatives of good order. The State need not be considered as going beyond this function in such provisions as those of Sir R. Bourke's Act, and so much as this your Petitioners conceive to be the wisdom and the duty of the Government in every civilized community.

Your Petitioners, therefore, pray that no withdrawal of State Aid to Religion may take place, but that the provisions of the Church Act may be continued, and confidence in the public faith of New South Wales remain undisturbed.

And they will ever pray.

[Here follow 131 Signatures.]

1862.

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LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

—
STATE AID TO RELIGION.

(CATHOLICS OF MORPETH.)

—
*Received by the Legislative Assembly, 24 July, 1862, and Printed under the Sessional Order
of 4 June, 1862.*

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

The humble Petition of the Catholics of Morpeth,—

SHEWETH :—

1. That your Petitioners observe with grief, the several propositions now under discussion for the total or partial abolition of that moderate degree of aid by which the Church Act promotes the interests of Religion, in securing a portion of the common funds towards the maintenance of the Ministers of Religion.

2. That your Petitioners respectfully urge on the consideration of your Honorable House the fact, that an absolute covenant exists between the Government and all those parties who, throughout the Colony, have accepted and fulfilled the terms of the covenant proposed in the said Act.

3. That the people of New South Wales, in the various districts, have expended money in building Churches, with full confidence that those Churches were endowed with an annuity from the common funds; and that the ecclesiastical authorities of the several denominations have drawn from their people frequent contributions for building Churches and Ministers' residences, and have invited from Europe Ministers of Religion, deeming that the public faith was pledged to the permanency of that partial support of a Minister in perpetuity which was undertaken by the Church Act.

4. That your Petitioners have just ground for considering the clerical stipends established by the said Act to be annuities—debts under a covenant—to which the parties are, on one side, not the clergy of the day, but the people who build Churches; and on the other side, Her Majesty the Queen, the Imperial Parliament, and the Colonial Government.

5. That if it were maintained that a limit to the operation of the Church Act was proposed or implied in the Constitution Act, it could be at most a limit of the amount of the annuity (£28,000), and not a limit of time determining its duration. The Queen surrendered into the hands of the Colonial Government the disposal of the Waste Lands, and in consideration of such surrender, accepted certain sums, to be provided annually, amongst which sums is this for Public Worship; and the very circumstance that a limit of amount alone is stated, authorizes clearly the inference that no limit in duration was intended.

6. That the annuity for Public Worship is as much an integrant part of the Constitution Act as is the annuity for Pensions, and that both of them are similarly and equally protected by the guarantee of public honor.

7. That your Petitioners believe the principle of Sir R. Bourke's Act, viz., the re-distribution of a small amount of public money amongst the people of the country, according to the numbers of their respective denominations, for religious purposes, as for other safeguards of good order, is sound and statesman-like, and that to abandon it would be a mistake and a calamity. Sir R. Bourke fixes his provision at a small annual sum, not intending by any means to supersede voluntary contributions, because he designed to supply only an aid in support of the clergy—not a competent maintenance; he wished, up to a certain moderate degree, to protect clergy from the impediments of local caprice, or inability, or apathy; and such a precaution your Petitioners believe to be still in the highest degree expedient.

8. That your Petitioners beg to record their protest against the two ordinary misrepresentations by which it is sought to prejudice Sir R. Bourke's principle of State Aid, viz. : 1st—The assertion that by it Ministers of Religion are made subject to political influences; and 2nd—That by it the State is made the teacher of antagonistic systems of Religion, and therefore of falsehood as well as of truth. Your Petitioners, on the contrary, assert these facts: First—That the small amount of the so-called State Aid, and the circumstance of its being placed on the same basis as men's title to any other property, render the notion of political influence through it simply ridiculous; and secondly—That the State in this Country neither professes to teach, nor ought to teach, any system of Christianity, but recognizes as its utmost function the maintenance, in some tolerable degree, of the principles of natural Religion and of the preservatives of good order. The State need not be considered as going beyond this function in such provisions as those of Sir R. Bourke's Act; and so much as this your Petitioners conceive to be the wisdom and the duty of the Government in every civilized community.

Your Petitioners, therefore, pray that no withdrawal of State Aid to Religion may take place, but that the provisions of the Church Act may be continued, and confidence in the public faith of New South Wales remain undisturbed.

And they will ever pray.

[Here follow 209 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

STATE AID TO RELIGION.

(CATHOLICS OF THE DISTRICT OF LIVERPOOL.)

Received by the Legislative Assembly, 24 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the Catholics of the district of Liverpool,—

SHEWETH :—

1. That your Petitioners observe with grief, the several propositions now under discussion for the total or partial abolition of that moderate degree of aid by which the Church Act promotes the interests of Religion, in securing a portion of the common funds towards the maintenance of the Ministers of Religion.

2. That your Petitioners respectfully urge on the consideration of your Honorable House the fact, that an absolute covenant exists between the Government and all those parties who, throughout the Colony, have accepted and fulfilled the terms of the covenant proposed in the said Act.

3. That the people of New South Wales, in the various districts, have expended money in building Churches, with full confidence that those Churches were endowed with an annuity from the common funds; and that the ecclesiastical authorities of the several denominations have drawn from their people frequent contributions for building Churches and Ministers' residences, and have invited from Europe Ministers of Religion, deeming that the public faith was pledged to the permanency of that partial support of a Minister in perpetuity which was undertaken by the Church Act.

4. That your Petitioners have just ground for considering the clerical stipends established by the said Act to be annuities—debts under a covenant—to which the parties are, on one side, not the clergy of the day, but the people who build Churches; and on the other side, Her Majesty the Queen, the Imperial Parliament, and the Colonial Government.

5. That if it were maintained that a limit to the operation of the Church Act was proposed or implied in the Constitution Act, it could be at most a limit of the amount of the annuity (£28,000), and not a limit of time determining its duration. The Queen surrendered into the hands of the Colonial Government the disposal of the Waste Lands, and in consideration of such surrender accepted certain sums, to be provided annually, amongst which sums is this for Public Worship; and the very circumstance that a limit of amount alone is stated, authorizes clearly the inference that no limit in duration was intended.

6. That the annuity for Public Worship is as much an integrant part of the Constitution Act as is the annuity for Pensions, and that both of them are similarly and equally protected by the guarantee of public honor.

7. That your Petitioners believe the principle of Sir R. Bourke's Act, viz., the re-distribution of a small amount of public money amongst the people of the country, according to the numbers of their respective denominations, for religious purposes, as for other safeguards of good order, is sound and statesman-like, and that to abandon it would be a mistake and a calamity. Sir R. Bourke fixes his provision at a small annual sum, not intending by any means to supersede voluntary contributions, because he designed to supply only an aid in support of the clergy—not a competent maintenance; he wished, up to a certain moderate degree, to protect clergy from the impediments of local caprice, or inability, or apathy; and such a precaution your Petitioners believe to be still in the highest degree expedient.

8. That your Petitioners beg to record their protest against the two ordinary misrepresentations by which it is sought to prejudice Sir R. Bourke's principle of State Aid, viz.: 1st—The assertion that by it Ministers of Religion are made subject to political influences; and 2nd—That by it the State is made the teacher of antagonistic systems of Religion, and therefore of falsehood as well as of truth. Your Petitioners, on the contrary, assert these facts: First—That the small amount of the so-called State Aid, and the circumstance of its being placed on the same basis as men's title to any other property, render the notion of political influence through it simply ridiculous; and secondly—That the State in this Country neither professes to teach, nor ought to teach, any system of Christianity, but recognizes as its utmost function the maintenance, in some tolerable degree, of the principles of natural Religion and of the preservatives of good order. The State need not be considered as going beyond this function in such provisions as those of Sir R. Bourke's Act; and so much as this your Petitioners conceive to be the wisdom and the duty of the Government in every civilized community.

Your Petitioners, therefore, pray that no withdrawal of State Aid to Religion may take place, but that the provisions of the Church Act may be continued, and confidence in the public faith of New South Wales remain undisturbed.

And they will ever pray.

[Here follow 119 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.

(CATHOLICS OF THE DISTRICT OF THE SACRED HEART.)

Received by the Legislative Assembly, 25 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the Catholics of the District of the Sacred Heart,—

SH EWETH :—

1. That your Petitioners observe with grief, the several propositions now under discussion for the total or partial abolition of that moderate degree of aid by which the Church Act promotes the interests of Religion, in securing a portion of the common funds towards the maintenance of the Ministers of Religion.

2. That your Petitioners respectfully urge on the consideration of your Honorable House the fact, that an absolute covenant exists between the Government and all those parties who, throughout the Colony, have accepted and fulfilled the terms of the covenant proposed in the said Act.

3. That the people of New South Wales, in the various districts, have expended money in building Churches, with full confidence that those Churches were endowed with an annuity from the common funds; and that the ecclesiastical authorities of the several denominations have drawn from their people frequent contributions for building Churches and Ministers' residences, and have invited from Europe Ministers of Religion, deeming that the public faith was pledged to the permanency of that partial support of a Minister in perpetuity which was undertaken by the Church Act.

4. That your Petitioners have just ground for considering the clerical stipends established by the said Act to be annuities—debts under a covenant—to which the parties are, on one side, not the clergy of the day, but the people who build Churches; and on the other side, Her Majesty the Queen, the Imperial Parliament, and the Colonial Government.

5. That if it were maintained that a limit to the operation of the Church Act was proposed or implied in the Constitution Act, it could be at most a limit of the amount of the annuity (£28,000), and not a limit of time determining its duration. The Queen surrendered into the hands of the Colonial Government the disposal of the Waste Lands, and in consideration of such surrender accepted certain sums, to be provided annually, amongst which sums is this for Public Worship; and the very circumstance that a limit of amount alone is stated, authorizes clearly the inference that no limit in duration was intended.

6. That the annuity for Public Worship is as much an integrant part of the Constitution Act as is the annuity for Pensions, and that both of them are similarly and equally protected by the guarantee of public honor.

7. That your Petitioners believe the principle of Sir R. Bourke's Act, viz., the re-distribution of a small amount of public money amongst the people of the country, according to the numbers of their respective denominations, for religious purposes, as for other safeguards of good order, is sound and statesmanlike, and that to abandon it would be a mistake and a calamity. Sir R. Bourke fixes his provision at a small annual sum, not intending by any means to supersede voluntary contributions, because he designed to supply only an aid in support of the clergy—not a competent maintenance; he wished, up to a certain moderate degree, to protect clergy from the impediments of local caprice, or inability, or apathy; and such a precaution your Petitioners believe to be still in the highest degree expedient.

8. That your Petitioners beg to record their protest against the two ordinary misrepresentations by which it is sought to prejudice Sir R. Bourke's principle of State Aid, viz. : 1st—The assertion that by it Ministers of Religion are made subject to political influences; and 2nd—That by it the State is made the teacher of antagonistic systems of Religion, and therefore of falsehood as well as of truth. Your Petitioners, on the contrary, assert these facts: First—That the small amount of the so-called State Aid, and the circumstance of its being placed on the same basis as men's title to any other property, render the notion of political influence through it simply ridiculous; and secondly—That the State in this Country neither professes to teach, nor ought to teach, any system of Christianity, but recognizes as its utmost function the maintenance, in some tolerable degree, of the principles of natural Religion and of the preservatives of good order. The State need not be considered as going beyond this function in such provisions as those of Sir R. Bourke's Act; and so much as this your Petitioners conceive to be the wisdom and the duty of the Government in every civilized community.

Your Petitioners, therefore, pray that no withdrawal of State Aid to Religion may take place, but that the provisions of the Church Act may be continued, and confidence in the public faith of New South Wales remain undisturbed.

And they will ever pray.

[Here follow 118 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

STATE AID TO RELIGION.

(CATHOLICS OF WAVERLEY.)

Received by the Legislative Assembly, 25 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the Catholics of the District of Waverley,—

SH EWETH :—

1. That your Petitioners observe with grief, the several propositions now under discussion for the total or partial abolition of that moderate degree of aid by which the Church Act promotes the interests of Religion, in securing a portion of the common funds towards the maintenance of the Ministers of Religion.

2. That your Petitioners respectfully urge on the consideration of your Honorable House the fact, that an absolute covenant exists between the Government and all those parties who, throughout the Colony, have accepted and fulfilled the terms of the covenant proposed in the said Act.

3. That the people of New South Wales, in the various districts, have expended money in building Churches, with full confidence that those Churches were endowed with an annuity from the common funds; and that the ecclesiastical authorities of the several denominations have drawn from their people frequent contributions for building Churches and Ministers' residences, and have invited from Europe Ministers of Religion, deeming that the public faith was pledged to the permanency of that partial support of a Minister in perpetuity which was undertaken by the Church Act.

4. That your Petitioners have just ground for considering the clerical stipends established by the said Act to be annuities—debts under a covenant—to which the parties are, on one side, not the clergy of the day, but the people who build Churches; and on the other side, Her Majesty the Queen, the Imperial Parliament, and the Colonial Government.

5. That if it were maintained that a limit to the operation of the Church Act was proposed or implied in the Constitution Act, it could be at most a limit of the amount of the annuity (£28,000), and not a limit of time determining its duration. The Queen surrendered into the hands of the Colonial Government the disposal of the Waste Lands, and in consideration of such surrender accepted certain sums, to be annually provided, amongst which sums is this for Public Worship; and the very circumstance that a limit of amount alone is stated, authorizes clearly the inference that no limit in duration was intended.

6. That the annuity for Public Worship is as much an integrant part of the Constitution Act as is the annuity for Pensions, and that both of them are similarly and equally protected by the guarantee of public honor.

7. That your Petitioners believe the principle of Sir R. Bourke's Act, viz., the re-distribution of a small amount of public money amongst the people of the country, according to the numbers of their respective denominations, for religious purposes, as for other safeguards of good order, is sound and statesmanlike, and that to abandon it would be a mistake and a calamity. Sir R. Bourke fixes his provision at a small annual sum, not intending by any means to supersede voluntary contributions, because he designed to supply only an aid in support of the clergy—not a competent maintenance; he wished, up to a certain moderate degree, to protect clergy from the impediments of local caprice, or inability, or apathy; and such a precaution your Petitioners believe to be still in the highest degree expedient.

8. That your Petitioners beg to record their protest against the two ordinary misrepresentations by which it is sought to prejudice Sir R. Bourke's principle of State Aid, viz. : 1st—The assertion that by it Ministers of Religion are made subject to political influences ; and 2nd—That by it the State is made the teacher of antagonistic systems of Religion, and therefore of falsehood as well as of truth. Your Petitioners, on the contrary, assert these facts : First—The small amount of the so-called State Aid, and the circumstance of its being placed on the same basis as men's title to any other property, render the notion of political influence through it simply ridiculous ; and secondly—That the State in this Country neither professes to teach, nor ought to teach, any system of Christianity, but recognizes as its utmost function the maintenance, in some tolerable degree, of the principles of natural Religion and of the preservatives of good order. The State need not be considered as going beyond this function in such provisions as those of Sir R. Bourke's Act ; and so much as this your Petitioners conceive to be the wisdom and the duty of the Government in every civilized community.

Your Petitioners, therefore, pray that no withdrawal of State Aid to Religion may take place, but that the provisions of the Church Act may be continued, and confidence in the public faith of New South Wales remain undisturbed.

And they will ever pray.

[Here follow 35 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.

(CATHOLICS OF WOLLONGONG AND DAPTO.)

Received by the Legislative Assembly, 25 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the Catholics of Wollongong and Dapto, Illawarra,—

SHWETH :—

1. That your Petitioners observe with grief, the several propositions now under discussion for the total or partial abolition of that moderate degree of aid by which the Church Act promotes the interests of Religion, in securing a portion of the common funds towards the maintenance of the Ministers of Religion.

2. That your Petitioners respectfully urge on the consideration of your Honorable House the fact, that an absolute covenant exists between the Government and all those parties who, throughout the Colony, have accepted and fulfilled the terms of the covenant proposed in the said Act.

3. That the people of New South Wales, in the various districts, have expended money in building Churches, with full confidence that those Churches were endowed with an annuity from the common funds; and that the ecclesiastical authorities of the several denominations have drawn from their people frequent contributions for building Churches and Ministers' residences, and have invited from Europe Ministers of Religion, deeming that the public faith was pledged to the permanency of that partial support of a Minister in perpetuity which was undertaken by the Church Act.

4. That your Petitioners have just ground for considering the clerical stipends established by the said Act to be annuities—debts under a covenant—to which the parties are, on one side, not the clergy of the day, but the people who build Churches; and on the other side, Her Majesty the Queen, the Imperial Parliament, and the Colonial Government.

5. That if it were maintained that a limit to the operation of the Church Act was proposed or implied in the Constitution Act, it could be at most a limit of the amount of the annuity (£28,000), and not a limit of time determining its duration. The Queen surrendered into the hands of the Colonial Government the disposal of the Waste Lands, and in consideration of such surrender accepted certain sums, to be provided annually, amongst which sums is this for Public Worship; and the very circumstance that a limit of amount alone is stated, authorizes the inference that no limit in duration was intended.

6. That the annuity for Public Worship is as much an integrant part of the Constitution Act as is the annuity for Pensions, and that both of them are similarly and equally protected by the guarantee of public honor.

7. That your Petitioners believe the principle of Sir R. Bourke's Act, viz., the re-distribution of a small amount of public money amongst the people of the country, according to the numbers of their respective denominations, for religious purposes, as for other safeguards of good order, is sound and statesmanlike, and that to abandon it would be a mistake and a calamity. Sir R. Bourke fixes his provision at a small annual sum, not intending by any means to supersede voluntary contributions, because he designed to supply only an aid in support of the clergy—not a competent maintenance; he wished, up to a certain moderate degree, to protect clergy from the impediments of local caprice, or inability, or apathy; and such a precaution your Petitioners believe to be still in the highest degree expedient.

8. That your Petitioners beg to record their protest against the two ordinary misrepresentations by which it is sought to prejudice Sir R. Bourke's principle of State Aid, viz. : 1st—The assertion that by it Ministers of Religion are made subject to political influences ; and 2nd—That by it the State is made the teacher of antagonistic systems of Religion, and therefore of falsehood as well as of truth. Your Petitioners, on the contrary, assert these facts : First—That the small amount of the so-called State Aid, and the circumstance of its being placed on the same basis as men's title to any other property, render the notion of political influence through it simply ridiculous ; and secondly—That the State in this Country neither professes to teach, nor ought to teach, any system of Christianity, but recognizes as its utmost function the maintenance, in some tolerable degree, of the principles of natural Religion and of the preservatives of good order. The State need not be considered as going beyond this function in such provisions as those of Sir R. Bourke's Act ; and so much as this your Petitioners conceive to be the wisdom and the duty of the Government in every civilized community.

Your Petitioners, therefore, pray that no withdrawal of State Aid to Religion may take place, but that the provisions of the Church Act may be continued, and confidence in the public faith of New South Wales remain undisturbed.

And they will ever pray.

[Here follow 330 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

STATE AID TO RELIGION.

(DISTRICT OF COOMA.)

Received by the Legislative Assembly, 29 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Colonists, Members of the Church of England and others, in the District of Cooma, Maneroo,—

RESPECTFULLY SHEWETH :—

1st.—That your Petitioners have learned with much concern, that it is proposed to introduce into Parliament a Bill for the abolition of the Aid to Religion in this Colony which was secured by the Constitution Act.

2nd.—That such a measure is, in the estimation of your Petitioners, highly inexpedient, and calculated to inflict serious injury upon the moral and religious interests of the Colony, and would, if adopted, have the effect of depriving various districts of those religious ordinances which they now enjoy.

3rd.—That your Petitioners are of opinion that, instead of withdrawing, sound policy would rather dictate the increase of Aid to Religion from the public Revenue, especially in the more sparsely peopled districts, such as this, Maneroo, it being found impossible in them to provide for the support of the Clergy by voluntary effort.

4th.—That your Petitioners may refer, in support of this opinion, to what has taken place on the Gold Fields, from which several Ministers of Religion have been withdrawn, in consequence of the failure of the means for their support.

Your Petitioners, therefore, humbly pray that your Honorable House will take these premises into your favourable consideration, and guard against an evil from which so much injury to the best interests of society is to be apprehended.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 43 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

STATE AID TO RELIGION.

(CATHOLICS OF GOULBURN.)

Received by the Legislative Assembly, 1 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the Catholics of Goulburn,—

SH EWETH :—

1. That your Petitioners observe with grief, the several propositions now under discussion for the total or partial abolition of that moderate degree of aid by which the Church Act promotes the interests of Religion, in securing a portion of the common funds towards the maintenance of the Ministers of Religion.

2. That your Petitioners respectfully urge on the consideration of your Honorable House the fact, that an absolute covenant exists between the Government and all those parties who, throughout the Colony, have accepted and fulfilled the terms of the covenant proposed in the said Act.

3. That the people of New South Wales, in the various districts, have expended money in building Churches, with full confidence that those Churches were endowed with an annuity from the common funds; and that the ecclesiastical authorities of the several denominations have drawn from their people frequent contributions for building Churches and Ministers' residences, and have invited from Europe Ministers of Religion, deeming that the public faith was pledged to the permanency of that partial support of a Minister in perpetuity which was undertaken by the Church Act.

4. That your Petitioners have just ground for considering the clerical stipends established by the said Act to be annuities—debts under a covenant—to which the parties are, on one side, not the clergy of the day, but the people who build Churches; and on the other side, Her Majesty the Queen, the Imperial Parliament, and the Colonial Government.

5. That if it were maintained that a limit to the operation of the Church Act was proposed or implied in the Constitution Act, it could be at most a limit of the amount of the annuity (£28,000), and not a limit of time determining its duration. The Queen surrendered into the hands of the Colonial Government the disposal of the Waste Lands, and in consideration of such surrender accepted certain sums, to be annually provided, amongst which sums is this for Public Worship; and the very circumstance that a limit of amount alone is stated, authorizes clearly the inference that no limit in duration was intended.

6. That the annuity for Public Worship is as much an integrant part of the Constitution Act as is the annuity for Pensions, and that both of them are similarly and equally protected by the guarantee of public honor.

7. That your Petitioners believe the principle of Sir R. Bourke's Act, viz., the re-distribution of a small amount of public money amongst the people of the country, according to the numbers of their respective denominations, for religious purposes, as for other safeguards of good order, is sound and statesmanlike, and that to abandon it would be a mistake and a calamity. Sir R. Bourke fixes his provision at a small annual sum, not intending by any means to supersede voluntary contributions, because he designed to supply only an aid in support of the clergy—not a competent maintenance; he wished, up to a certain moderate degree, to protect clergy from the impediments of local caprice, or inability, or apathy; and such a precaution your Petitioners believe to be still in the highest degree expedient.

8. That your Petitioners beg to record their protest against the two ordinary misrepresentations by which it is sought to prejudice Sir R. Bourke's principle of State Aid, viz. : 1st—The assertion that by it Ministers of Religion are made subject to political influences ; and 2nd—That by it the State is made the teacher of antagonistic systems of Religion, and therefore of falsehood as well as of truth. Your Petitioners, on the contrary, assert these facts : First—The small amount of the so-called State Aid, and the circumstance of its being placed on the same basis as men's title to any other property, render the notion of political influence through it simply ridiculous ; and secondly—That the State in this Country neither professes to teach, nor ought to teach, any system of Christianity, but recognizes as its utmost function the maintenance, in some tolerable degree, of the principles of natural Religion and of the preservatives of good order. The State need not be considered as going beyond this function in such provisions as those of Sir R. Bourke's Act ; and so much as this your Petitioners conceive to be the wisdom and the duty of the Government in every civilized community.

Your Petitioners, therefore, pray that no withdrawal of State Aid to Religion may take place, but that the provisions of the Church Act may be continued, and confidence in the public faith of New South Wales remain undisturbed.

And they will ever pray.

[*Here follow 172 Signatures.*]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.
(CATHOLICS OF HARTLEY.)

Received by the Legislative Assembly, 1 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the Catholics of Hartley,—

SHEWETH :—

1. That your Petitioners observe with grief, the several propositions now under discussion for the total or partial abolition of that moderate degree of aid by which the Church Act promotes the interests of Religion, in securing a portion of the common funds towards the maintenance of the Ministers of Religion.
2. That your Petitioners respectfully urge on the consideration of your Honorable House the fact, that an absolute covenant exists between the Government and all those parties who, throughout the Colony, have accepted and fulfilled the terms of the covenant proposed in the said Act.
3. That the people of New South Wales, in the various Districts, have expended money in building Churches, with full confidence that those Churches were endowed with an annuity from the common funds; and that the ecclesiastical authorities of the several denominations have drawn from their people frequent contributions for building Churches and Ministers' Residences, and have invited from Europe Ministers of Religion, deeming that the public faith was pledged to the permanency of that partial support of a Minister in perpetuity which was undertaken by the Church Act.
4. That your Petitioners have just ground for considering the clerical stipends established by the said Act to be annuities—debts under a covenant—to which the parties are, on one side, not the Clergy of the day, but the people who build Churches; and on the other side, Her Majesty the Queen, the Imperial Parliament, and the Colonial Government.
5. That if it were maintained that a limit to the operation of the Church Act was proposed or implied in the Constitution Act, it could be at most a limit of the amount of the annuity (£28,000) and not a limit of time determining its duration. The Queen surrendered into the hands of the Colonial Government the disposal of the Waste Lands, and in consideration of such surrender accepted certain sums, to be provided annually, amongst which sums is this for Public Worship; and the very circumstance that a limit of amount alone is stated, authorizes clearly the inference that no limit in duration was intended.
6. That the annuity for Public Worship is as much an integrant part of the Constitution Act as is the annuity for Pensions, and that both of them are similarly and equally protected by the guarantee of public honor.
7. That your Petitioners believe the principle of Sir R. Bourke's Act, viz., the redistribution of a small amount of public money amongst the people of the country, according to the numbers of their respective denominations, for religious purposes, as for other safeguards of good order, is sound and statesman-like, and that to abandon it would be a mistake and a calamity. Sir R. Bourke fixes his provision at a small annual sum, not intending by any means to supersede voluntary contributions, because he designed to supply only an aid in support of the Clergy—not a competent maintenance; he wished, up to a certain moderate degree, to protect Clergy from the impediments of local caprice, or inability, or apathy, and such a precaution your Petitioners believe to be still in the highest degree expedient.

8. That your Petitioners beg to record their protest against the two ordinary misrepresentations by which it is sought to prejudice Sir R. Bourke's principle of State Aid, viz.: 1st—The assertion that by it Ministers of Religion are made subject to political influences; and 2nd—That by it the State is made the teacher of antagonistic systems of Religion, and therefore of falsehood as well as of truth. Your Petitioners, on the contrary, assert these facts: First—That the small amount of the so-called State Aid, and the circumstance of its being placed on the same basis as men's title to any other property, render the notion of political influence through it simply ridiculous; and, Secondly—That the State in this country neither professes to teach nor ought to teach any system of Christianity, but recognizes as its utmost function the maintenance, in some tolerable degree, of the principles of natural Religion and of the preservatives of good order. The State need not be considered as going beyond this function in such provisions as those of Sir R. Bourke's Act, and so much as this your Petitioners conceive to be the wisdom and the duty of the Government in every civilized community.

Your Petitioners, therefore, pray that no withdrawal of State Aid to Religion may take place, but that the provisions of the Church Act may be continued, and confidence in the public faith of New South Wales remain undisturbed.

And they will ever pray.

[Here follow 133 Signatures.]

[Price, 1d.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

STATE AID TO RELIGION.

(MANEROO.)

Received by the Legislative Assembly, 1 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Residents of Maneroo,—

RESPECTFULLY SHEWETH:—

That your Petitioners observe with grief, the several propositions now under discussion for the total or partial abolition of that moderate degree of aid by which the Church Act promotes the interests of Religion, in securing a portion of the common funds towards the maintenance of the Ministers of Religion.

That your Petitioners believe the principle of Sir R. Bourke's Act, viz., the re-distribution of a small amount of public money amongst the people of the country, according to the numbers of their respective denominations, for religious purposes, as for other safeguards of good order, is sound and statesmanlike, and that to abandon it would be a mistake and a calamity. Sir R. Bourke fixed his provision at a small annual sum, not intending by any means to supersede voluntary contributions, because he designed to supply only an aid in support of the clergy, not a competent maintenance; he wished, up to a certain degree, to protect clergy from the impediments of local caprice, or inability, or apathy; and such a precaution your Petitioners believe to be in the highest degree expedient.

Your Petitioners, therefore, pray that no withdrawal of State Aid to Religion may now take place, but that the provisions of the Church Act may be continued, and confidence in the public faith of New South Wales remain undisturbed.

And your Petitioners will ever pray.

[Here follow 155 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

STATE AID TO RELIGION.

(CATHOLICS OF ST. LEONARD'S, NORTH SHORE.)

Received by the Legislative Assembly, 1 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.
The humble Petition of the Catholics of St. Leonard's, North Shore,—

SHEWETH :—

1. That your Petitioners observe with grief, the several propositions now under discussion for the total or partial abolition of that moderate degree of aid by which the Church Act promotes the interests of Religion, in securing a portion of the common funds towards the maintenance of the Ministers of Religion.

2. That your Petitioners respectfully urge on the consideration of your Honorable House the fact, that an absolute covenant exists between the Government and all those parties who, throughout the Colony, have accepted and fulfilled the terms of the covenant proposed in the said Act.

3. That the people of New South Wales, in the various districts, have expended money in building Churches, with full confidence that those Churches were endowed with an annuity from the common funds; and that the ecclesiastical authorities of the several denominations have drawn from their people frequent contributions for building Churches and Ministers' residences, and have invited from Europe Ministers of Religion, deeming that the public faith was pledged to the permanency of that partial support of a Minister in perpetuity which was undertaken by the Church Act.

4. That your Petitioners have just ground for considering the clerical stipends established by the said Act to be annuities—debts under a covenant—to which the parties are, on one side, not the clergy of the day, but the people who build Churches; and on the other side, Her Majesty the Queen, the Imperial Parliament, and the Colonial Government.

5. That if it were maintained that a limit to the operation of the Church Act was proposed or implied in the Constitution Act, it could be at most a limit of the amount of the annuity (£28,000), and not a limit of time determining its duration. The Queen surrendered into the hands of the Colonial Government the disposal of the Waste Lands, and in consideration of such surrender accepted certain sums, to be provided annually, amongst which sums is this for Public Worship; and the very circumstance that a limit of amount alone is stated, authorizes clearly the inference that no limit in duration was intended.

6. That the annuity for Public Worship is as much an integrant part of the Constitution Act as is the annuity for Pensions, and that both of them are similarly and equally protected by the guarantee of public honor.

7. That your Petitioners believe the principle of Sir R. Bourke's Act, viz., the re-distribution of a small amount of public money amongst the people of the country, according to the numbers of their respective denominations, for religious purposes, as for other safeguards of good order, is sound and statesmanlike, and that to abandon it would be a mistake and a calamity. Sir R. Bourke fixes his provision at a small annual sum, not intending by any means to supersede voluntary contributions, because he designed to supply only an aid in support of the clergy—not a competent maintenance; he wished, up to a certain moderate degree, to protect clergy from the impediments of local caprice, or inability, or apathy; and such a precaution your Petitioners believe to be still in the highest degree expedient.

8. That your Petitioners beg to record their protest against the two ordinary misrepresentations by which it is sought to prejudice Sir R. Bourke's principle of State Aid, viz.: 1st—The assertion that by it Ministers of Religion are made subject to political influences; and 2nd—That by it the State is made the teacher of antagonistic systems of Religion, and therefore of falsehood as well as of truth. Your Petitioners, on the contrary, assert these facts: First—That the small amount of the so-called State Aid, and the circumstance of its being placed on the same basis as men's title to any other property, render the notion of political influence through it simply ridiculous; and secondly—That the State in this country neither professes to teach, nor ought to teach, any system of Christianity, but recognizes as its utmost function the maintenance, in some tolerable degree, of the principles of natural Religion and of the preservatives of good order. The State need not be considered as going beyond this function in such provisions as those of Sir R. Bourke's Act; and so much as this your Petitioners conceive to be the wisdom and the duty of the Government in every civilized community.

Your Petitioners, therefore, pray that no withdrawal of State Aid to Religion may take place, but that the provisions of the Church Act may be continued, and confidence in the public faith of New South Wales remain undisturbed.

And they will ever pray.

[Here follow 61 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.

(KIAMA.)

Received by the Legislative Assembly, 26 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Colonists and Members of the Church of England at Kiama,—

RESPECTFULLY SHEWETH:—

1st.—That your Petitioners have learned with much concern, that it is proposed to introduce into Parliament a Bill for the abolition of the Aid to Religion in this Colony which was secured by the Constitution Act.

2nd.—That such a measure is, in the estimation of your Petitioners, highly inexpedient, and calculated to inflict serious injury upon the moral and religious interests of the Colony, and would, if adopted, have the effect of depriving various districts of those religious ordinances which they now enjoy.

3rd.—That your Petitioners are of opinion that, instead of withdrawing, sound policy would rather dictate the increase of Aid to Religion from the public revenue.

4th.—We therefore pray your Honorable House not to pass any Bill which will have the effect of abolishing State Aid to Religion in this Colony.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 232 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.

(CATHOLICS OF KIAMA AND JAMBEROO.)

Received by the Legislative Assembly, 1 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the Catholics of Kiama and Jamberoo,—

SHEWETH:—

1. That your Petitioners observe with grief, the several propositions now under discussion for the total or partial abolition of that moderate degree of aid by which the Church Act promotes the interests of Religion, in securing a portion of the common funds towards the maintenance of the Ministers of Religion.

2. That your Petitioners respectfully urge on the consideration of your Honorable House the fact, that an absolute covenant exists between the Government and all those parties who, throughout the Colony, have accepted and fulfilled the terms of the covenant proposed in the said Act.

3. That the people of New South Wales, in the various districts, have expended money in building Churches, with full confidence that those Churches were endowed with an annuity from the common funds; and that the ecclesiastical authorities of the several denominations have drawn from their people frequent contributions for building Churches and Ministers' residences, and have invited from Europe Ministers of Religion, deeming that the public faith was pledged to the permanency of that partial support of a Minister in perpetuity which was undertaken by the Church Act.

4. That your Petitioners have just ground for considering the clerical stipends established by the said Act to be annuities—debts under a covenant—to which the parties are, on one side, not the clergy of the day, but the people who build Churches; and on the other side, Her Majesty the Queen, the Imperial Parliament, and the Colonial Government.

5. That if it were maintained that a limit to the operation of the Church Act was proposed or implied in the Constitution Act, it could be at most a limit of the amount of the annuity (£28,000), and not a limit of time determining its duration. The Queen surrendered into the hands of the Colonial Government the disposal of the Waste Lands, and in consideration of such surrender accepted certain sums, to be provided annually, amongst which sums is this for Public Worship; and the very circumstance that a limit of amount alone is stated, authorizes the inference that no limit in duration was intended.

6. That the annuity for Public Worship is as much an integrant part of the Constitution Act as is the annuity for Pensions, and that both of them are similarly and equally protected by the guarantee of public honor.

7. That your Petitioners believe the principle of Sir R. Bourke's Act, viz., the re-distribution of a small amount of public money amongst the people of the country, according to the numbers of their respective denominations, for religious purposes, as for other safeguards of good order, is sound and statesmanlike, and that to abandon it would be a mistake and a calamity. Sir R. Bourke fixes his provision at a small annual sum, not intending by any means to supersede voluntary contributions, because he designed to supply only an aid in support of the clergy—not a competent maintenance; he wished, up to a certain moderate degree, to protect clergy from the impediments of local caprice, or inability, or apathy; and such a precaution your Petitioners believe to be still in the highest degree expedient.

STATE AID TO RELIGION.—PETITION.

8. That your Petitioners beg to record their protest against the two ordinary misrepresentations by which it is sought to prejudice Sir R. Bourke's principle of State Aid, viz.: 1st—The assertion that by it Ministers of Religion are made subject to political influences; and 2nd—That by it the State is made the teacher of antagonistic systems of Religion, and therefore of falsehood as well as of truth. Your Petitioners, on the contrary, assert these facts: First—That the small amount of the so-called State Aid, and the circumstance of its being placed on the same basis as men's title to any other property, render the notion of political influence through it simply ridiculous; and secondly—That the State in this Country neither professes to teach, nor ought to teach, any system of Christianity, but recognizes as its utmost function the maintenance, in some tolerable degree, of the principles of natural Religion and of the preservatives of good order. The State need not be considered as going beyond this function in such provisions as those of Sir R. Bourke's Act; and so much as this your Petitioners conceive to be the wisdom and the duty of the Government in every civilized community.

Your Petitioners, therefore, pray that no withdrawal of State Aid to Religion may take place, but that the provisions of the Church Act may be continued, and confidence in the public faith of New South Wales remain undisturbed.

And they will ever pray.

[Here follow 205 Signatures.]

Sydney: Thomas Richards, Government Printer.—1863.

[Price, 1d.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

STATE AID TO RELIGION.

(DOORAL.)

Received by the Legislative Assembly, 1 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Colonists of New South Wales in Dooral,—

SHEWETH :—

That your Petitioners have heard with much regret, that a Bill has been introduced into your Honorable House, by which it is intended to provide for the discontinuance of the Aid hitherto afforded by the State towards the support of the Public Worship of Almighty God.

2.—That your Petitioners are firmly persuaded, that the assistance afforded by the State is in strict accordance with the Word of God, and that its withdrawal would be productive of very disastrous effects upon the Colony at large, and especially upon the thinly populated districts.

3.—Your Petitioners, therefore, pray that your Honorable House will withhold its sanction from any Bill which might have the effect of withdrawing the assistance hitherto granted by the State towards the maintenance of the Public Worship of Almighty God.

And your Petitioners will ever pray.

[Here follow 26 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.

(CATHOLICS OF GUNDAGAI.)

Received by the Legislative Assembly, 5 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the Catholics of Gundagai,—

SHEWETH:—

1. That your Petitioners observe with grief, the several propositions now under discussion for the total or partial abolition of that moderate degree of aid by which the Church Act promotes the interests of Religion, in securing a portion of the common funds towards the maintenance of the Ministers of Religion.

2. That your Petitioners respectfully urge on the consideration of your Honorable House the fact, that an absolute covenant exists between the Government and all those parties who, throughout the Colony, have accepted and fulfilled the terms of the covenant proposed in the said Act.

3. That the people of New South Wales, in the various districts, have expended money in building Churches, with full confidence that those Churches were endowed with an annuity from the common funds; and that the ecclesiastical authorities of the several denominations have drawn from their people frequent contributions for building Churches and Ministers' residences, and have invited from Europe Ministers of Religion, deeming that the public faith was pledged to the permanency of that partial support of a Minister in perpetuity which was undertaken by the Church Act.

4. That your Petitioners have just ground for considering the clerical stipends established by the said Act to be annuities—debts under a covenant—to which the parties are, on one side, not the clergy of the day, but the people who build Churches; and on the other side, Her Majesty the Queen, the Imperial Parliament, and the Colonial Government.

5. That if it were maintained that a limit to the operation of the Church Act was proposed or implied in the Constitution Act, it could be at most a limit of the amount of the annuity (£28,000), and not a limit of time determining its duration. The Queen surrendered into the hands of the Colonial Government the disposal of the Waste Lands, and in consideration of such surrender accepted certain sums, to be provided annually, amongst which sums is this for Public Worship; and the very circumstance that a limit of amount alone is stated, authorizes clearly the inference that no limit in duration was intended.

6. That the annuity for Public Worship is as much an integrant part of the Constitution Act as is the annuity for Pensions, and that both of them are similarly and equally protected by the guarantee of public honor.

7. That your Petitioners believe the principle of Sir R. Bourke's Act, viz., the re-distribution of a small amount of public money amongst the people of the country, according to the numbers of their respective denominations, for religious purposes, as for other safeguards of good order, is sound and statesmanlike, and that to abandon it would be a mistake and a calamity. Sir R. Bourke fixes his provision at a small annual sum, not intending by any means to supersede voluntary contributions, because he designed to supply only an aid in support of the clergy—not a competent maintenance; he wished, up to a certain moderate degree, to protect clergy from the impediments of local caprice, or inability, or apathy; and such a precaution your Petitioners believe to be still in the highest degree expedient.

8. That your Petitioners beg to record their protest against the two ordinary misrepresentations by which it is sought to prejudice Sir R. Bourke's principle of State Aid, viz.: 1st—The assertion that by it Ministers of Religion are made subject to political influences; and 2nd—That by it the State is made the teacher of antagonistic systems of Religion, and therefore of falsehood as well as of truth. Your Petitioners, on the contrary, assert these facts: First—That the small amount of the so-called State Aid, and the circumstance of its being placed on the same basis as men's title to any other property, render the notion of political influence through it simply ridiculous; and secondly—That the State in this country neither professes to teach, nor ought to teach, any system of Christianity, but recognizes as its utmost function the maintenance, in some tolerable degree, of the principles of natural Religion and of the preservatives of good order. The State need not be considered as going beyond this function in such provisions as those of Sir R. Bourke's Act; and so much as this your Petitioners conceive to be the wisdom and the duty of the Government in every civilized community.

Your Petitioners, therefore, pray that no withdrawal of State Aid to Religion may take place, but that the provisions of the Church Act may be continued, and confidence in the public faith of New South Wales remain undisturbed.

And they will ever pray.

[Here follow 124 Signatures.]

1862.

—
LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

—
STATE AID TO RELIGION.

(CATHOLICS OF THE DISTRICTS OF PEEL AND SOFALA.)

—
*Received by the Legislative Assembly, 6 August, 1862, and Printed under the Sessional Order
of 4 June, 1862.*

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

The humble Petition of the Catholics of the Districts of Peel and Sofala,—

SH EWETH :—

1. That your Petitioners observe with grief, the several propositions now under discussion for the total or partial abolition of that moderate degree of aid by which the Church Act promotes the interests of Religion, in securing a portion of the common funds towards the maintenance of the Ministers of Religion.

2. That your Petitioners respectfully urge on the consideration of your Honorable House the fact, that an absolute covenant exists between the Government and all those parties who, throughout the Colony, have accepted and fulfilled the terms of the covenant proposed in the said Act.

3. That the people of New South Wales, in the various districts, have expended money in building Churches, with full confidence that those Churches were endowed with an annuity from the common funds; and that the ecclesiastical authorities of the several denominations have drawn from their people frequent contributions for building Churches and Ministers' residences, and have invited from Europe Ministers of Religion, deeming that the public faith was pledged to the permanency of that partial support of a Minister in perpetuity which was undertaken by the Church Act.

4. That your Petitioners have just ground for considering the clerical stipends established by the said Act to be annuities—debts under a covenant—to which the parties are, on one side, not the clergy of the day, but the people who build Churches; and on the other side, Her Majesty the Queen, the Imperial Parliament, and the Colonial Government.

5. That if it were maintained that a limit to the operation of the Church Act was proposed or implied in the Constitution Act, it could be at most a limit of the amount of the annuity (£28,000), and not a limit of time determining its duration. The Queen surrendered into the hands of the Colonial Government the disposal of the Waste Lands, and in consideration of such surrender accepted certain sums, to be provided annually, amongst which sums is this for Public Worship; and the very circumstance that a limit of amount alone is stated, authorizes clearly the inference that no limit in duration was intended.

6. That the annuity for Public Worship is as much an integrant part of the Constitution Act as is the annuity for Pensions, and that both of them are similarly and equally protected by the guarantee of public honor.

7. That your Petitioners believe the principle of Sir R. Bourke's Act, viz., the re-distribution of a small amount of public money amongst the people of the country, according to the numbers of their respective denominations, for religious purposes, as for other safeguards of good order, is sound and statesmanlike, and that to abandon it would be a mistake and a calamity. Sir R. Bourke fixes his provision at a small annual sum, not intending by any means to supersede voluntary contributions, because he designed to supply only an aid in support of the clergy—not a competent maintenance; he wished, up to a certain moderate degree, to protect clergy from the impediments of local caprice, or inability, or apathy; and such a precaution your Petitioners believe to be still in the highest degree expedient.

8. That your Petitioners beg to record their protest against the two ordinary misrepresentations by which it is sought to prejudice Sir R. Bourke's principle of State Aid, viz. : 1st—The assertion that by it Ministers of Religion are made subject to political influences; and 2nd—That by it the State is made the teacher of antagonistic systems of Religion, and therefore of falsehood as well as of truth. Your Petitioners, on the contrary, assert these facts: First—The small amount of the so-called State Aid, and the circumstance of its being placed on the same basis as men's title to any other property, render the notion of political influence through it simply ridiculous; and secondly—That the State in this Country neither professes to teach, nor ought to teach, any system of Christianity, but recognizes as its utmost function the maintenance, in some tolerable degree, of the principles of natural Religion and of the preservatives of good order. The State need not be considered as going beyond this function in such provisions as those of Sir R. Bourke's Act; and so much as this your Petitioners conceive to be the wisdom and the duty of the Government in every civilized community.

Your Petitioners, therefore, pray that no withdrawal of State Aid to Religion may take place, but that the provisions of the Church Act may be continued, and confidence in the public faith of New South Wales remain undisturbed.

And they will ever pray.

[Here follow 110 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.
(YASS.)

Received by the Legislative Assembly, 6 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Colonists, or Members of the Church of England, in the District of Yass,—

RESPECTFULLY SHEWETH:—

1.—That your Petitioners have learned with much concern, that it is proposed to introduce into Parliament a Bill for the abolition of the Aid to Religion in this Colony which was secured by the Constitution Act.

2.—That such a measure is, in the estimation of your Petitioners, highly inexpedient, and calculated to inflict serious injury upon the moral and religious interests of the Colony, and would, if adopted, have the effect of depriving various districts of those religious ordinances they now enjoy.

3.—That your Petitioners are of opinion that, instead of the withdrawal, sound policy would rather dictate the increase of Aid to Religion from the public Revenue, especially in the more thinly peopled districts.

Your Petitioners, therefore, humbly pray that your Honorable House will take these premises into your favourable consideration, and guard against an evil from which so much injury to the interests of society is to be apprehended.

And your Petitioners, as in duty bound, will ever pray, &c.

[Here follow 64 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

STATE AID TO RELIGION.

(CATHOLICS OF YASS.)

Received by the Legislative Assembly, 13 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the Catholics of Yass,—

SHEWETH :—

1. That your Petitioners observe with grief, the several propositions now under discussion for the total or partial abolition of that moderate degree of aid by which the Church Act promotes the interests of Religion, in securing a portion of the common funds towards the maintenance of the Ministers of Religion.

2. That your Petitioners respectfully urge, on the consideration of your Honorable House the fact, that an absolute covenant exists between the Government and all those parties who, throughout the Colony, have accepted and fulfilled the terms of the covenant proposed in the said Act.

3. That the people of New South Wales, in the various districts, have expended money in building Churches, with full confidence that those Churches were endowed with an annuity from the common funds; and that the ecclesiastical authorities of the several denominations have drawn from their people frequent contributions for building Churches and Ministers' residences, and have invited from Europe Ministers of Religion deeming that the public faith was pledged to the permanency of that partial support of a Minister in perpetuity which was undertaken by the Church Act.

4. That your Petitioners have just ground for considering the clerical stipends established by the said Act to be annuities—debts under a covenant—to which the parties are on one side, not the clergy of the day, but the people who build Churches; and on the other side, Her Majesty the Queen, the Imperial Parliament, and the Colonial Government.

5. That if it were maintained that a limit to the operation of the Church Act was proposed or implied in the Constitution Act, it could be at most a limit of the amount of the annuity (£28,000), and not a limit of the time determining its duration.

6. That the annuity for Public Worship is as much an integrant part of the Constitution Act as is the annuity for Pensions, and that both of them are similarly and equally protected by the guarantee of public honor.

7. That your Petitioners believe the principle of Sir R. Bourke's Act, viz., the re-distribution of a small amount of public money amongst the people of the country, according to the numbers of their respective denominations, for religious purposes, as for other safeguards of good order, is sound and statesmanlike, and that to abandon it would be a mistake and a calamity. Sir R. Bourke fixes his provision at a small annual sum, not intending by any means to supersede voluntary contributions, because he designed to supply only an aid in support of clergy—not a competent maintenance; he wished, up to a certain moderate degree, to protect clergy from the impediments of local caprice, or inability, or apathy; and such a precaution your Petitioners believe to be still in the highest degree expedient.

8. That your Petitioners beg to record their protest against the two ordinary misrepresentations by which it is sought to prejudice Sir R. Bourke's principle of State Aid, viz. : 1st—The assertion that by it Ministers of Religion are made subject to political influences; and 2nd—That by it the State is made the teacher of antagonistic systems of Religion, and therefore of falsehood as well as truth. Your Petitioners, on the contrary, assert these facts: First—That the small amount of the so-called State Aid, and the circumstance of its being placed on the same basis as men's title to any other property, render the notion of political influence through it simply ridiculous; and secondly—That the State in this country neither professes to teach, nor ought to teach, any system of Christianity, but recognizes as its utmost function the maintenance, in some tolerable degree, of the principles of natural Religion, and of the preservation of good order. The State need not be considered as going beyond this function in such provisions as those of Sir R. Bourke's Act; and so much as this your Petitioners conceive to be the wisdom and the duty of the Government in every civilized community.

9. Your Petitioners, therefore, pray that no withdrawal of State Aid to Religion may take place, but that the provisions of the Church Act may be continued, and confidence in the public faith of New South Wales remain undisturbed.

And your Petitioners will ever pray, &c., &c.

[Here follow 59 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

STATE AID TO RELIGION.

(CATHOLICS OF BRAIDWOOD.)

Received by the Legislative Assembly, 6 August, 1862, and Printed under the Sesstional Order of 4 June, 1862.

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

The humble Petition of the Catholics of Braidwood,—

SHewETH :—

- 1. That your Petitioners observe with grief, the several propositions now under discussion for the total or partial abolition of that moderate degree of aid by which the Church Act promotes the interests of Religion, in securing a portion of the common funds towards the maintenance of the Ministers of Religion.
- 2. That your Petitioners respectfully urge on the consideration of your Honorable House the fact, that an absolute covenant exists between the Government and all those parties who, throughout the Colony, have accepted and fulfilled the terms of the covenant proposed in the said Act.
- 3. That the people of New South Wales, in the various districts, have expended money in building Churches, with full confidence that those Churches were endowed with an annuity from the common funds; and that the ecclesiastical authorities of the several denominations have drawn from their people frequent contributions for building Churches and Ministers' residences, and have invited from Europe Ministers of Religion, deeming that the public faith was pledged to the permanency of that partial support of a Minister in perpetuity which was undertaken by the Church Act.
- 4. That your Petitioners have just ground for considering the clerical stipends established by the said Act to be annuities—debts under a covenant—to which the parties are, on one side, not the clergy of the day, but the people who build Churches; and on the other side, Her Majesty the Queen, the Imperial Parliament, and the Colonial Government.
- 5. That if it were maintained that a limit to the operation of the Church Act was proposed or implied in the Constitution Act, it could be at most a limit of the amount of the annuity (£28,000), and not a limit of time determining its duration. The Queen surrendered into the hands of the Colonial Government the disposal of the Waste Lands, and in consideration of such surrender accepted certain sums, to be annually provided, amongst which sums is this for Public Worship; and the very circumstance that a limit of amount alone is stated, authorizes clearly the inference that no limit in duration was intended.
- 6. That the annuity for Public Worship is as much an integrant part of the Constitution Act as is the annuity for Pensions, and that both of them are similarly and equally protected by the guarantee of public honor.
- 7. That your Petitioners believe the principle of Sir R. Bourke's Act, viz., the re-distribution of a small amount of public money amongst the people of the country, according to the numbers of their respective denominations, for religious purposes, as for other safeguards of good order, is sound and statesmanlike, and that to abandon it would be a mistake and a calamity. Sir R. Bourke fixes his provision at a small annual sum, not intending by any means to supersede voluntary contributions, because he designed to supply only an aid in support of the clergy—not a competent maintenance; he wished, up to a certain moderate degree, to protect clergy from the impediments of local caprice, or inability, or apathy; and such a precaution your Petitioners believe to be still in the highest degree expedient.

8. That your Petitioners beg to record their protest against the two ordinary misrepresentations by which it is sought to prejudice Sir R. Bourke's principle of State Aid, viz. :
 1st—The assertion that by it Ministers of Religion are made subject to political influences; and
 2nd—That by it the State is made the teacher of antagonistic systems of Religion, and therefore of falsehood as well as of truth. Your Petitioners, on the contrary, assert these facts :
 First—That the small amount of the so-called State Aid, and the circumstance of its being placed on the same basis as men's title to any other property, render the notion of political influence through it simply ridiculous; and secondly—That the State in this Country neither professes to teach, nor ought to teach, any system of Christianity, but recognizes as its utmost function the maintenance, in some tolerable degree, of the principles of natural Religion and of the preservatives of good order. The State need not be considered as going beyond this function in such provisions as those of Sir R. Bourke's Act; and so much as this your Petitioners conceive to be the wisdom and the duty of the Government in every civilized community.

Your Petitioners, therefore, pray that no withdrawal of State Aid to Religion may take place, but that the provisions of the Church Act may be continued, and confidence in the public faith of New South Wales remain undisturbed.

And they will ever pray.

[Here follow 294 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.

(CATHOLICS OF RYDE.)

Received by the Legislative Assembly, 7 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the Catholics of Ryde,—

SH EWETH :—

1. That your Petitioners observe with grief, the several propositions now under discussion for the total or partial abolition of that moderate degree of aid by which the Church Act promotes the interests of Religion, in securing a portion of the common funds towards the maintenance of the Ministers of Religion.

2. That your Petitioners respectfully urge on the consideration of your Honorable House the fact, that an absolute covenant exists between the Government and all those parties who, throughout the Colony, have accepted and fulfilled the terms of the covenant proposed in the said Act.

3. That the people of New South Wales, in the various districts, have expended money in building Churches, with full confidence that those Churches were endowed with an annuity from the common funds; and that the ecclesiastical authorities of the several denominations have drawn from their people frequent contributions for building Churches and Ministers' residences, and have invited from Europe Ministers of Religion, deeming that the public faith was pledged to the permanency of that partial support of a Minister in perpetuity which was undertaken by the Church Act.

4. That your Petitioners have just ground for considering the clerical stipends established by the said Act to be annuities—debts under a covenant—to which the parties are, on one side, not the clergy of the day, but the people who build Churches; and on the other side, Her Majesty the Queen, the Imperial Parliament, and the Colonial Government.

5. That if it were maintained that a limit to the operation of the Church Act was proposed or implied in the Constitution Act, it could be at most a limit of the amount of the annuity (£28,000), and not a limit of time determining its duration. The Queen surrendered into the hands of the Colonial Government the disposal of the Waste Lands, and in consideration of such surrender accepted certain sums, to be provided annually, amongst which sums is this for Public Worship; and the very circumstance that a limit of amount alone is stated, authorizes clearly the inference that no limit in duration was intended.

6. That the annuity for Public Worship is as much an integrant part of the Constitution Act as the annuity for Pensions, and that both of them are similarly and equally protected by the guarantee of public honor.

7. That your Petitioners believe the principle of Sir R. Bourke's Act, viz., the re-distribution of a small amount of public money amongst the people of the country, according to the numbers of their respective denominations, for religious purposes, as for other safeguards of good order, is sound and statesmanlike, and that to abandon it would be a mistake and a calamity. Sir R. Bourke fixes his provision at a small annual sum, not intending by any means to supersede voluntary contributions, because he designed to supply only an aid in support of the clergy—not a competent maintenance; he wished, up to a certain moderate degree, to protect clergy from the impediments of local caprice, or inability, or apathy; and such a precaution your Petitioners believe to be still in the highest degree expedient.

8. That your Petitioners beg to record their protest against the two ordinary misrepresentations by which it is sought to prejudice Sir R. Bourke's principle of State Aid, viz. : 1st—The assertion that by it Ministers of Religion are made subject to political influences; and 2nd—That by it the State is made the teacher of antagonistic systems of Religion, and therefore of falsehood as well as of truth. Your Petitioners, on the contrary, assert these facts: First—That the small amount of the so-called State Aid, and the circumstance of its being placed on the same basis as men's title to any other property, render the notion of political influence through it simply ridiculous; and secondly—That the State in this Country neither professes to teach, nor ought to teach, any system of Christianity, but recognizes as its utmost function the maintenance, in some tolerable degree, of the principles of natural Religion and of the preservatives of good order. The State need not be considered as going beyond this function in such provisions as those of Sir R. Bourke's Act; and so much as this your Petitioners conceive to be the wisdom and the duty of the Government in every civilized community.

Your Petitioners, therefore, pray that no withdrawal of State Aid to Religion may take place, but that the provisions of the Church Act may be continued, and confidence in the public faith of New South Wales remain undisturbed.

And they will ever pray.

[Here follow 45 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.

(CATHOLICS OF WELLINGTON.)

*Received by the Legislative Assembly, 7 August, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

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

The humble Petition of the Catholics of Wellington,—

SHEWETH :—

1. That your Petitioners observe with grief, the several propositions now under discussion for the total or partial abolition of that moderate degree of aid by which the Church Act promotes the interests of Religion, in securing a portion of the common funds towards the maintenance of the Ministers of Religion.

2. That your Petitioners respectfully urge on the consideration of your Honorable House the fact, that an absolute covenant exists between the Government and all those parties who, throughout the Colony, have accepted and fulfilled the terms of the covenant proposed in the said Act.

3. That the people of New South Wales, in the various districts, have expended money in building Churches, with full confidence that those Churches were endowed with an annuity from the common funds; and that the ecclesiastical authorities of the several denominations have drawn from their people frequent contributions for building Churches and Ministers' residences, and have invited from Europe Ministers of Religion, deeming that the public faith was pledged to the permanency of that partial support of a Minister in perpetuity which was undertaken by the Church Act.

4. That your Petitioners have just ground for considering the clerical stipends established by the said Act to be annuities—debts under a covenant—to which the parties are, on one side, not the clergy of the day, but the people who build Churches; and on the other side, Her Majesty the Queen, the Imperial Parliament, and the Colonial Government.

5. That if it were maintained that a limit to the operation of the Church Act was proposed or implied in the Constitution Act, it could be at most a limit of the amount of the annuity (£28,000), and not a limit of time determining its duration. The Queen surrendered into the hands of the Colonial Government the disposal of the Waste Lands, and in consideration of such surrender accepted certain sums, to be provided annually, amongst which sums is this for Public Worship; and the very circumstance that a limit of amount alone is stated, authorizes the inference that no limit in duration was intended.

6. That the annuity for Public Worship is as much an integrant part of the Constitution Act as is the annuity for Pensions, and that both of them are similarly and equally protected by the guarantee of public honor.

7. That your Petitioners believe the principle of Sir R. Bourke's Act, viz., the re-distribution of a small amount of public money amongst the people of the country, according to the numbers of their respective denominations, for religious purposes, as for other safeguards of good order, is sound and statesmanlike, and that to abandon it would be a mistake and a calamity. Sir R. Bourke fixes his provision at a small annual sum, not intending by any means to supersede voluntary contributions, because he designed to supply only an aid in support of the clergy—not a competent maintenance; he wished, up to a certain moderate degree, to protect clergy from the impediments of local caprice, or inability, or apathy; and such a precaution your Petitioners believe to be still in the highest degree expedient.

8. That your Petitioners beg to record their protest against the two ordinary misrepresentations by which it is sought to prejudice Sir R. Bourke's principle of State Aid, viz. : 1st—The assertion that by it Ministers of Religion are made subject to political influences; and 2nd—That by it the State is made the teacher of antagonistic systems of Religion, and therefore of falsehood as well as of truth. Your Petitioners, on the contrary, assert these facts: First—The small amount of the so-called State Aid, and the circumstance of its being placed on the same basis as men's title to any other property, render the notion of political influence through it simply ridiculous; and secondly—That the State in this Country neither professes to teach, nor ought to teach, any system of Christianity, but recognizes as its utmost function the maintenance, in some tolerable degree, of the principles of natural Religion and of the preservatives of good order. The State need not be considered as going beyond this function in such provisions as those of Sir R. Bourke's Act; and so much as this your Petitioners conceive to be the wisdom and the duty of the Government in every civilized community.

Your Petitioners, therefore, pray that no withdrawal of State Aid to Religion may take place, but that the provisions of the Church Act may be continued, and confidence in the public faith of New South Wales remain undisturbed.

And they will ever pray.

[Here follow 132 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

STATE AID TO RELIGION.

(CATHOLICS OF TOWN AND DISTRICT OF WINDSOR.)

Received by the Legislative Assembly, 7 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the Catholics of the Town and District of Windsor,—

SHEWETH :—

1. That your Petitioners observe with grief, the several propositions now under discussion for the total or partial abolition of that moderate degree of aid by which the Church Act promotes the interests of Religion, in securing a portion of the common funds towards the maintenance of the Ministers of Religion.

2. That your Petitioners respectfully urge on the consideration of your Honorable House the fact, that an absolute covenant exists between the Government and all those parties who, throughout the Colony, have accepted and fulfilled the terms of the covenant proposed in the said Act.

3. That the people of New South Wales, in the various districts, have expended money in building Churches, with full confidence that those Churches were endowed with an annuity from the common funds; and that the ecclesiastical authorities of the several denominations have drawn from their people frequent contributions for building Churches and Ministers' residences, and have invited from Europe Ministers of Religion, deeming that the public faith was pledged to the permanency of that partial support of a Minister in perpetuity which was undertaken by the Church Act.

4. That your Petitioners have just ground for considering the clerical stipends established by the said Act to be annuities—debts under a covenant—to which the parties are, on one side, not the clergy of the day, but the people who build Churches; and on the other side, Her Majesty the Queen, the Imperial Parliament, and the Colonial Government.

5. That if it were maintained that a limit to the operation of the Church Act was proposed or implied in the Constitution Act, it could be at most a limit of the amount of the annuity (£28,000), and not a limit of time determining its duration. The Queen surrendered into the hands of the Colonial Government the disposal of the Waste Lands, and in consideration of such surrender accepted certain sums, to be annually provided, amongst which sums is this for Public Worship; and the very circumstance that a limit of amount alone is stated, authorizes clearly the inference that no limit in duration was intended.

6. That the annuity for Public Worship is as much an integrant part of the Constitution Act as is the annuity for Pensions, and that both of them are similarly and equally protected by the guarantee of public honor.

7. That your Petitioners believe the principle of Sir R. Bourke's Act, viz., the re-distribution of a small amount of public money amongst the people of the country, according to the numbers of their respective denominations, for religious purposes, as for other safeguards of good order, is sound and statesmanlike, and that to abandon it would be a mistake and a calamity. Sir R. Bourke fixes his provision at a small annual sum, not intending by any means to supersede voluntary contributions, because he designed to supply only an aid in support of the clergy—not a competent maintenance; he wished, up to a certain moderate degree, to protect clergy from the impediments of local caprice, or inability, or apathy; and such a precaution your Petitioners believe to be still in the highest degree expedient.

8. That your Petitioners beg to record their protest against the two ordinary misrepresentations by which it is sought to prejudice Sir R. Bourke's principle of State Aid, viz.: 1st—The assertion that by it Ministers of Religion are made subject to political influences; and 2nd—That by it the State is made the teacher of antagonistic systems of Religion, and therefore of falsehood as well as of truth. Your Petitioners, on the contrary, assert these facts: First—That the small amount of the so-called State Aid, and the circumstance of its being placed on the same basis as men's title to any other property, render the notion of political influence through it simply ridiculous; and secondly—That the State in this country neither professes to teach, nor ought to teach, any system of Christianity, but recognizes as its utmost function the maintenance, in some tolerable degree, of the principles of natural Religion and of the preservatives of good order. The State need not be considered as going beyond this function in such provisions as those of Sir R. Bourke's Act; and so much as this your Petitioners conceive to be the wisdom and the duty of the Government in every civilized community.

Your Petitioners, therefore, pray that no withdrawal of State Aid to Religion may take place, but that the provisions of the Church Act may be continued, and confidence in the public faith of New South Wales remain undisturbed.

And they will ever pray.

[Here follow 74 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

STATE AID TO RELIGION.

(CATHOLICS AND RESIDENTS OF MUDGEE.)

Received by the Legislative Assembly, 8 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the Catholics and Residents of Mudgee,—

SHEWETH :—

1. That your Petitioners observe with grief, the several propositions now under discussion for the total or partial abolition of that moderate degree of aid by which the Church Act promotes the interests of Religion, in securing a portion of the common funds towards the maintenance of the Ministers of Religion.

2. That your Petitioners respectfully urge on the consideration of your Honorable House the fact, that an absolute covenant exists between the Government and all those parties who, throughout the Colony, have accepted and fulfilled the terms of the covenant proposed in the said Act.

3. That the people of New South Wales, in the various districts, have expended money in building Churches, with full confidence that those Churches were endowed with an annuity from the common funds; and that the ecclesiastical authorities of the several denominations have drawn from their people frequent contributions for building Churches and Ministers' residences, and have invited from Europe Ministers of Religion, deeming that the public faith was pledged to the permanency of that partial support of a Minister in perpetuity which was undertaken by the Church Act.

4. That your Petitioners have just ground for considering the clerical stipends established by the said Act to be annuities—debts under a covenant—to which the parties are, on one side, not the clergy of the day, but the people who build Churches; and on the other side, Her Majesty the Queen, the Imperial Parliament, and the Colonial Government.

5. That if it were maintained that a limit to the operation of the Church Act was proposed or implied in the Constitution Act, it could be at most a limit of the amount of the annuity (£28,000), and not a limit of time determining its duration. The Queen surrendered into the hands of the Colonial Government the disposal of the Waste Lands, and in consideration of such surrender accepted certain sums, to be provided annually, amongst which sums is this for Public Worship; and the very circumstance that a limit of amount alone is stated, authorizes clearly the inference that no limit in duration was intended.

6. That the annuity for Public Worship is as much an integrant part of the Constitution Act as is the annuity for Pensions, and that both of them are similarly and equally protected by the guarantee of public honor.

7. That your Petitioners believe the principle of Sir R. Bourke's Act, viz., the re-distribution of a small amount of public money amongst the people of the country, according to the numbers of their respective denominations, for religious purposes, as for other safeguards of good order, is sound and statesmanlike, and that to abandon it would be a mistake and a calamity. Sir R. Bourke fixes his provision at a small annual sum, not intending by any means to supersede voluntary contributions, because he designed to supply only an aid in support of the clergy—not a competent maintenance; he wished, up to a certain moderate degree, to protect clergy from the impediments of local caprice, or inability, or apathy; and such a precaution your Petitioners believe to be still in the highest degree expedient.

8. That your Petitioners beg to record their protest against the two ordinary misrepresentations by which it is sought to prejudice Sir R. Bourke's principle of State Aid, viz. : 1st—The assertion that by it Ministers of Religion are made subject to political influences; and 2nd—That by it the State is made the teacher of antagonistic systems of Religion, and therefore of falsehood as well as of truth. Your Petitioners, on the contrary, assert these facts: First—That the small amount of the so-called State Aid, and the circumstance of its being placed on the same basis as men's title to any other property, render the notion of political influence through it simply ridiculous; and secondly—That the State in this Country neither professes to teach, nor ought to teach, any system of Christianity, but recognizes as its utmost function the maintenance, in some tolerable degree, of the principles of natural Religion and of the preservatives of good order. The State need not be considered as going beyond this function in such provisions as those of Sir R. Bourke's Act; and so much as this your Petitioners conceive to be the wisdom and the duty of the Government in every civilized community.

Your Petitioners, therefore, pray that no withdrawal of State Aid to Religion may take place, but that the provisions of the Church Act may be continued, and confidence in the public faith of New South Wales remain undisturbed.

And they will ever pray.

[Here follow 138 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.

(BATHURST AND ITS VICINITY.)

Received by the Legislative Assembly, 13 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Speaker and the Members of the Legislative Assembly of New South Wales.

The humble Petition of the undersigned Colonists, resident in Bathurst and its vicinity,—

MOST RESPECTFULLY SHEWETH:—

That your Petitioners view with great dissatisfaction any measures having for their object the withdrawal of the aid hitherto afforded by the State to the promotion of Religion.

That your Petitioners believe that many congregations and communities have entered into arrangements, made expenditure, and incurred pecuniary liabilities, for the furtherance of Religion and Public Worship, on the faith of the continuance of the assistance given under the existing regulations, and to withdraw which may be fairly characterized as a breach of faith.

That your Petitioners believe that the withdrawal of State Aid would act prejudicially, not only to those who are now benefited by its receipt, but to the welfare of the Colony at large; and that, in scarcely populated portions of the Colony, the discontinuance of assistance from the State would practically operate as a withdrawal of all religious ordinances.

That your Petitioners entertain the strongest possible conviction that the circumstances of the Colony imperatively demand of the Government a continuance, if not an extension, of the subsidy now made by it.

Your Petitioners, therefore, humbly pray that your Honorable House will take the foregoing circumstances into consideration, and reject any measure having for its object the withdrawal of the aid hitherto given by the State for the promotion of Religion.

And your Petitioners will ever pray.

[Here follow 926 Signatures.]

171

172

173

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

STATE AID TO RELIGION.

(SHOALHAVEN.)

Received by the Legislative Assembly, 19 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Inhabitants of Shoalhaven, New South Wales,—

RESPECTFULLY SHEWETH:—

1st.—That your Petitioners are opposed to the abolition of State Aid to Religion, and that the Bill now before your Honorable House for abolishing Public Grants for the purpose of Religion is uncalled for, and ought to be withdrawn.

2nd.—That your Petitioners consider it is the duty of Government to furnish religious instruction for the people, and to provide for the maintenance of public worship.

3rd.—That your Petitioners consider, in abolishing State Aid to Religion, the country districts would, in many cases, be wholly deprived of the benefits of religious teaching, as the funds raised by voluntary subscriptions would not be adequate for its support.

4th.—Your Petitioners, therefore, pray that your Honorable House will adopt such measures as will provide for the continuance of State Aid to Religion and Public Worship in this Colony.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 173 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.
(CATHOLICS OF MORUYA.)

Received by the Legislative Assembly, 19 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.
The humble Petition of the Catholics of Moruya,—

SHEWETH:—

1. That your Petitioners observe with grief, the several propositions now under discussion for the total or partial abolition of that moderate degree of aid by which the Church Act promotes the interests of Religion, in securing a portion of the common funds towards the maintenance of the Ministers of Religion.

2. That your Petitioners respectfully urge on the consideration of your Honorable House the fact, that an absolute covenant exists between the Government and all those parties who, throughout the Colony, have accepted and fulfilled the terms of the covenant proposed in the said Act.

3. That the people of New South Wales, in the various districts, have expended money in building Churches, with full confidence that those Churches were endowed with an annuity from the common funds; and that the ecclesiastical authorities of the several denominations have drawn from their people frequent contributions for building Churches and Ministers' residences, and have invited from Europe Ministers of Religion, deeming that the public faith was pledged to the permanency of that partial support of a Minister in perpetuity which was undertaken by the Church Act.

4. That your Petitioners have just ground for considering the clerical stipends established by the said Act to be annuities—debts under a covenant—to which the parties are, on one side, not the clergy of the day, but the people who build Churches; and on the other side, Her Majesty the Queen, the Imperial Parliament, and the Colonial Government.

5. That if it were maintained that a limit to the operation of the Church Act was proposed or implied in the Constitution Act, it could be at most a limit of the amount of the annuity (£28,000), and not a limit of time determining its duration. The Queen surrendered into the hands of the Colonial Government the disposal of the Waste Lands, and in consideration of such surrender accepted certain sums, to be provided annually, amongst which sums is this for Public Worship; and the very circumstance that a limit of amount alone is stated, authorizes clearly the inference that no limit in duration was intended.

6. That the annuity for Public Worship is as much an integrant part of the Constitution Act as is the annuity for Pensions, and that both of them are similarly and equally protected by the guarantee of public honor.

7. That your Petitioners believe the principle of Sir R. Bourke's Act, viz., the re-distribution of a small amount of public money amongst the people of the country, according to the numbers of their respective denominations, for religious purposes, as for other safeguards of good order, is sound and statesmanlike, and that to abandon it would be a mistake and a calamity. Sir R. Bourke fixes his provision at a small annual sum, not intending by any means to supersede voluntary contributions, because he designed to supply only an aid in support of the clergy—not a competent maintenance; he wished, up to a certain moderate degree, to protect clergy from the impediments of local caprice, or inability, or apathy; and such a precaution your Petitioners believe to be still in the highest degree expedient.

8. That your Petitioners beg to record their protest against the two ordinary misrepresentations by which it is sought to prejudice Sir R. Bourke's principle of State Aid, viz. : 1st—The assertion that by it Ministers of Religion are made subject to political influences ; and 2nd—That by it the State is made the teacher of antagonistic systems of Religion, and therefore of falsehood as well as of truth. Your Petitioners, on the contrary, assert these facts : First—That the small amount of the so-called State Aid, and the circumstance of its being placed on the same basis as men's title to any other property, render the notion of political influence through it simply ridiculous ; and secondly—That the State in this Country neither professes to teach, nor ought to teach, any system of Christianity, but recognizes as its utmost function the maintenance, in some tolerable degree, of the principles of natural Religion and of the preservatives of good order. The State need not be considered as going beyond this function in such provisions as those of Sir R. Bourke's Act ; and so much as this your Petitioners conceive to be the wisdom and the duty of the Government in every civilized community.

Your Petitioners, therefore, pray that no withdrawal of State Aid to Religion may take place, but that the provisions of the Church Act may be continued, and confidence in the public faith of New South Wales remain undisturbed.

And they will ever pray.

[Here follow 95 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.

(CATHOLICS OF GOSFORD AND KINCUMBER.)

Received by the Legislative Assembly, 22 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the Catholics of Gosford and Kincumber, Brisbane Water,—

SHEWETH:—

1. That your Petitioners observe with grief, the several propositions now under discussion for the total or partial abolition of that moderate degree of aid by which the Church Act promotes the interests of Religion, in securing a portion of the common funds towards the maintenance of the Ministers of Religion.

2. That your Petitioners respectfully urge on the consideration of your Honorable House the fact, that an absolute covenant exists between the Government and all those parties who, throughout the Colony, have accepted and fulfilled the terms of the covenant proposed in the said Act.

3. That the people of New South Wales, in the various districts, have expended money in building Churches, with full confidence that those Churches were endowed with an annuity from the common funds; and that the ecclesiastical authorities of the several denominations have drawn from their people frequent contributions for building Churches and Ministers' residences, and have invited from Europe Ministers of Religion, deeming that the public faith was pledged to the permanency of that partial support of a Minister in perpetuity which was undertaken by the Church Act.

4. That your Petitioners have just ground for considering the clerical stipends established by the said Act to be annuities—debts under a covenant—to which the parties are, on one side, not the clergy of the day, but the people who build Churches; and on the other side, Her Majesty the Queen, the Imperial Parliament, and the Colonial Government.

5. That if it were maintained that a limit to the operation of the Church Act was proposed or implied in the Constitution Act, it could be at most a limit of the amount of the annuity (£28,000), and not a limit of time determining its duration. The Queen surrendered into the hands of the Colonial Government the disposal of the Waste Lands, and in consideration of such surrender accepted certain sums, to be provided annually, amongst which sums is this for Public Worship; and the very circumstance that a limit of amount alone is stated, authorizes the inference that no limit in duration was intended.

6. That the annuity for Public Worship is as much an integrant part of the Constitution Act as is the annuity for Pensions, and that both of them are similarly and equally protected by the guarantee of public honor.

7. That your Petitioners believe the principle of Sir R. Bourke's Act, viz., the re-distribution of a small amount of public money amongst the people of the country, according to the numbers of their respective denominations, for religious purposes, as for other safeguards of good order, is sound and statesmanlike, and that to abandon it would be a mistake and a calamity. Sir R. Bourke fixes his provision at a small annual sum, not intending by any means to supersede voluntary contributions, because he designed to supply only an aid in support of the clergy—not a competent maintenance; he wished, up to a certain moderate degree, to protect clergy from the impediments of local caprice, or inability, or apathy; and such a precaution your Petitioners believe to be still in the highest degree expedient.

8. That your Petitioners beg to record their protest against the two ordinary misrepresentations by which it is sought to prejudice Sir R. Bourke's principle of State Aid, viz. : 1st—The assertion that by it Ministers of Religion are made subject to political influences; and 2nd—That by it the State is made the teacher of antagonistic systems of Religion, and therefore of falsehood as well as of truth. Your Petitioners, on the contrary, assert these facts: First—That the small amount of the so-called State Aid, and the circumstance of its being placed on the same basis as men's title to any other property, render the notion of political influence through it simply ridiculous; and secondly—That the State in this Country neither professes to teach, nor ought to teach, any system of Christianity, but recognizes as its utmost function the maintenance, in some tolerable degree, of the principles of natural Religion and of the preservatives of good order. The State need not be considered as going beyond this function in such provisions as those of Sir R. Bourke's Act; and so much as this your Petitioners conceive to be the wisdom and the duty of the Government in every civilized community.

Your Petitioners, therefore, pray that no withdrawal of State Aid to Religion may take place, but that the provisions of the Church Act may be continued, and confidence in the public faith of New South Wales remain undisturbed.

And they will ever pray.

[Here follow 15 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STATE AID TO RELIGION.

(TUMUT.)

Received by the Legislative Assembly, 26 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Colonists of New South Wales, in the District of Tumut,—

RESPECTFULLY SHEWETH :—

1st.—That your Petitioners have learned with much concern that a Bill is now introduced into Parliament, for the abolition of the Aid to Religion in this Colony which was secured by the Constitution Act.

2nd.—That such a measure is, in the estimation of your Petitioners, highly inexpedient, and calculated to inflict serious injury upon the moral and religious interests of the Colony, and would, if adopted, have the effect of depriving various districts of those religious ordinances which they now enjoy.

3rd.—That your Petitioners are of opinion that, instead of withdrawing, sound policy would rather dictate the increase of Aid to Religion from the public Revenue, especially in the more sparsely peopled districts, it being found impossible in them to provide for the support of the clergy by voluntary effort.

4th.—That your Petitioners venture to suggest that an equal amount should be given by the Government to that contributed by the people, and your Petitioners plead the necessity for such an arrangement in districts like the Tumut.

Your Petitioners, therefore, humbly pray that your Honorable House will take these premises into your favourable consideration.

And your Petitioners, as in duty bound, will ever pray, &c.

[Here follow 59 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

STATE AID TO RELIGION.

(STIPENDS AND ALLOWANCES FROM SCHEDULE C, AND GRANTS FROM CHURCH AND SCHOOL ESTATES FUND.)

Ordered by the Legislative Assembly to be Printed, 30 July, 1862.

LIST of all MINISTERS OF RELIGION drawing FIXED STIPENDS AND ALLOWANCES from Schedule C, and also having any Grants from the Church and School Estates Fund.

STATION.	NAME.	Annual Salary and Allowance; Schedule C.	Bishopthorpe Estate.	Church and School Estates.
		£ s. d.	£ s. d.	£ s. d.
CHURCH OF ENGLAND. <i>Sydney Diocese.</i>				
Bishop of Sydney, Metropolitan	Right Revd. Frederic Barker, D.D.	1,500 0 0	500 0 0	
Dean of Sydney	Very Revd. William M. Cowper	300 0 0		
St. Philip's, Sydney	Do. do.	100 0 0		
St. James', Sydney	Revd. Robert Allwood	200 0 0		
St. Andrew's, Sydney	" George King	200 0 0		
St. Lawrence's, Sydney	" W. H. Walsh	200 0 0		
Holy Trinity, Sydney	" Edward Rogers	200 0 0		
Alexandria	" G. W. Richardson	200 0 0		
Ashfield	" Wm. Lumsdaine	150 0 0		
Appin	" T. H. Wilkinson	150 0 0		
Balmain	" William Stack	200 0 0		
Bathurst	" Thomas Sharpo	200 0 0		50 0 0*
Berrima	" J. S. Hassall	45 12 6†		
Braidwood	" J. S. Hassall	200 0 0		
Bungonia	" James Allan	200 0 0		
Camden	" E. B. Procter	200 0 0		
Campbelltown	" Henry Tingcombe	200 0 0		
Camperdown	" Edward Smith	200 0 0		
Canbury	" C. C. Kemp	200 0 0		
Carcoar	" P. G. Smith	150 0 0		
Chippendale	" J. A. Burke	200 0 0		
Collector	" A. H. Stephen	200 0 0		
Cook's River	" D. P. M. Halbert	150 0 0		
Cooma	" A. H. Bull	200 0 0		
Dapto	" Thomas Drutt	100 0 0		
Denham Court	" W. W. Simpson	200 0 0		
Goulburn	" G. N. Woodd	200 0 0		
Hunter's Hill	" Wm. Sowerby	200 0 0		
Kelso	" G. E. Turner	200 0 0		
Kiama	" William Lisle	200 0 0		
Liverpool	" Thomas Wilson	200 0 0		
Marsfield	" C. T. D. Priddle	200 0 0		
Mudgee	" W. F. Gore‡	200 0 0		
Mulgoa	" James Gunther	200 0 0		
Narellan	" George Vidal	200 0 0		
Parramatta	" Thomas Hassall	250 0 0		60 0 0*
Prospect	" R. L. King	45 12 6†		
Penrith	" Thomas Donkin	200 0 0		
Pictou	" Elijah Smith	200 0 0		
Pitt Town	" James Carter	80 17 6		
Queanbeyan	" H. A. Palmer	200 0 0		
Richmond	" A. D. Soares	200 0 0		
St. Leonards, North Shore	" John Elder	200 0 0		
Sutton Forest	" W. B. Clarke	200 0 0		
Windsor	" Thomas Horton	200 0 0		
Yass	" H. T. Stiles	250 0 0		
Wellington and Dubbo	" Thomas Kemmis	45 12 6†		
Wollongong	" H. D. H. Garvin	200 0 0		
Surry Hills	" Thos. O. Ewing	100 0 0		200 0 0§
	" Hulton S. King		100 0 0	100 0 0||
	Total, Diocese of Sydney, carried forward	10,477 15 0	600 0 0	410 0 0

* In lieu of house rent.

† In lieu of forage.

‡ On leave of absence, without salary; Revd. Geo. Barlow acting.

§ Paid temporarily from Church and School Estates Fund until funds are available from Bishopthorpe.

|| £100 paid from Bishopthorpe Estate Fund, and £100 temporarily from Church and School Estates Fund. On leave of absence, without pay; Revd. M. Sullivan acting.

STATE AID TO RELIGION.

STATION.	NAME.	Annual Salary and Allowance; Schedule C.	Bishopthorpe Estate.	Church and School Estates.
		£ s. d.	£ s. d.	£ s. d.
CHURCH OF ENGLAND—continued.				
<i>Newcastle Diocese.</i>				
	Brought forward.....	10,477 15 0	600 0 0	410 0 0
Bishop of Newcastle	Rt. Revd. Wm. Tyrrell, D.D.	500 0 0	.....	.....
Armidale	Revd. Septimus Hungerford.....	100 0 0	.....	.....
Clarence River	" A. E. Selwyn	100 0 0	.....	.....
Falbrook	" W. W. Dove	200 0 0	.....	.....
Gosford	" Alfred Glennie	200 0 0	.....	.....
Hexham	" T. L. Dodd	150 0 0	.....	.....
Lower Hawkesbury	" R. T. Bolton	200 0 0	.....	.....
East Maitland	" J. A. Greaves	200 0 0	.....	.....
West Maitland	" Robert Chapman	200 0 0	.....	.....
Do. St. Paul's	" J. R. Thackeray	100 0 0	.....	.....
Morpeth	" Charles Walsh	200 0 0	.....	.....
Muswellbrook	" W. E. White	200 0 0	.....	.....
Newcastle, St. John's	" Bowyer E. Shaw	100 0 0	.....	.....
Paterson	" F. W. Addams	200 0 0	.....	.....
Port Macquarie	" F. R. Kemp	150 0 0	.....	.....
Raymond Terrace	" J. R. Blomfield.....	200 0 0	.....	.....
Scone	" Coles Child	200 0 0	.....	.....
Singleton	" James Blackwood	200 0 0	.....	.....
Tamworth	" J. F. R. Whinfield	100 0 0	.....	.....
Dungog	" Whitmore Carr	100 0 0	.....	.....
Glen Innes	" Geo. Chas. Bode	100 0 0	.....	.....
Lochinvar and Branxton	" Lovick Tyrrell	100 0 0	.....	.....
Manning River	" W. C. Hawkins	100 0 0	.....	.....
Murrurundi	" J. J. Nash.....	100 0 0	.....	.....
Wollombi	" H. C. Cloughton	150 0 0	.....	.....
	Total Diocese of Newcastle..	4,150 0 0	.....	.....
	Schedule C.....	14,627 15 0	.....	.....
	Balance unappropriated	6 11 5	.....	.....
		14,634 6 5	.....	.....
	Bishopthorpe	600 0 0	.....	.....
	Church and School Estates.....	410 0 0	.....	.....
		15,644 6 5	.....	.....
PRESBYTERIAN CHURCH.				
Maitland	Revd. William Purvis	200 0 0	.....	.....
Hinton	" Alexander M'Ewen.....	200 0 0	.....	.....
St. Andrew's, Sydney	" John Dougall	200 0 0	.....	.....
Pitt-street, Sydney	" James Fullerton	200 0 0	.....	.....
Bathurst	" J. B. Laughton.....	150 0 0	.....	.....
Campbelltown	" William M'Kee.....	150 0 0	.....	.....
Newcastle	" James Coutts	150 0 0	.....	.....
Parramatta	" Thomas Craig	150 0 0	.....	.....
Paterson	" Thomas Stirton	150 0 0	.....	.....
Windsor	" Matthew Adam	150 0 0	.....	.....
Wollongong.....	" Cunningham Atchison	150 0 0	.....	.....
Woolloomooloo	" John M'Gibbon	150 0 0	.....	.....
Goulburn.....	" William Ross	150 0 0	.....	.....
Pitt Town, Portland Head	" George Macfie	150 0 0	.....	.....
Port Macquarie.....	" Edward Holland	150 0 0	.....	.....
Paddington	" James Milne.....	150 0 0	.....	.....
Singleton	" James White.....	150 0 0	.....	.....
Muswellbrook.....	" Duncan Ross.....	102 0 0	.....	.....
		2,852 0 0	.....	.....
	Unappropriated balance (fifteen shillings and eleven pence)	15 0 11	.....	.....
WESLEYAN CHURCH.				
Sydney	Revd. Stephen Babone	150 0 0	.....	.....
Bathurst	" W. J. K. Piddington	150 0 0	.....	.....
Parramatta	" C. W. Rigg	200 0 0	.....	.....
Maitland	" Joseph Oram.....	150 0 0	.....	.....
		650 0 0	.....	.....
	Unappropriated balance*	922 10 6	.....	.....
		1,572 10 6	.....	.....

* The balance is appropriated yearly, by authority of the Executive Council, to various Ministers.

STATE AID TO RELIGION.

3

STATION.	NAME.	Annual Salary and Allowance; Schedule C.			Bishopthorpe Estate.			Church and School Estates.		
		£	s	d.	£	s	d.	£	s	d.
ROMAN CATHOLIC CHURCH.										
Archbishop	John Bode Polding	800	0	0	.....	.....	.....	.....	.....	.....
Vicar General	Very Revd. J. A. Sheehy	300	0	0	.....	.....	.....	.....	.....	.....
St. Mary's, Sydney	Revd. Joseph C. Sumner	200	0	0	.....	.....	.....	.....	.....	.....
St. Patrick's, Sydney	John M'Encroe	200	0	0	.....	.....	.....	.....	.....	.....
St. Benedict's, Sydney	Michael Corish	200	0	0	.....	.....	.....	.....	.....	.....
Surry Hills	John Sheridan	200	0	0	.....	.....	.....	.....	.....	.....
Penrith	Michael Brennan	200	0	0	.....	.....	.....	.....	.....	.....
Kelso	Peter O'Farrell	200	0	0	.....	.....	.....	.....	.....	.....
Carcoar	Bernard Murphy	200	0	0	.....	.....	.....	.....	.....	.....
Appin	Patrick Macgennis	200	0	0	.....	.....	.....	.....	.....	.....
East Maitland	D. V. M. O'Connell	200	0	0	.....	.....	.....	.....	.....	.....
West Maitland	John J. Lynch	200	0	0	.....	.....	.....	.....	.....	.....
Singleton	Patrick Dun	200	0	0	.....	.....	.....	.....	.....	.....
Windsor	Patrick Hallinan	200	0	0	.....	.....	.....	.....	.....	.....
Bathurst	John Grant	200	0	0	.....	.....	.....	.....	.....	.....
Liverpool	Peter Young	200	0	0	.....	.....	.....	.....	.....	.....
Campbelltown	J. P. Roche	200	0	0	.....	.....	.....	.....	.....	.....
Goulburn	Michael M'Alroy	200	0	0	.....	.....	.....	.....	.....	.....
Queanbeyan	Austin Forde	200	0	0	.....	.....	.....	.....	.....	.....
Yass	James Hanly	200	0	0	.....	.....	.....	.....	.....	.....
Wollongong	Wm. X. Johnson	200	0	0	.....	.....	.....	.....	.....	.....
Parramatta	Patrick Kenyon	200	0	0	.....	.....	.....	.....	.....	.....
Ryde	C. M. Joly	150	0	0	.....	.....	.....	.....	.....	.....
Hartley	James Phelan	150	0	0	.....	.....	.....	.....	.....	.....
Kiama	Michael Flannaghan	150	0	0	.....	.....	.....	.....	.....	.....
Brisbane Water	Henry Woolfrey	150	0	0	.....	.....	.....	.....	.....	.....
Newcastle	C. V. Dowling	150	0	0	.....	.....	.....	.....	.....	.....
Armidale	Timothy M'Carthy	150	0	0	.....	.....	.....	.....	.....	.....
St. Leonards	Peter Powell	150	0	0	.....	.....	.....	.....	.....	.....
Albury	Cornelius Twomey	150	0	0	.....	.....	.....	.....	.....	.....
Petersham	James M'Girr	150	0	0	.....	.....	.....	.....	.....	.....
Raymond Terrace	Eugene Luckie	150	0	0	.....	.....	.....	.....	.....	.....
Balmain	J. J. Therry	150	0	0	.....	.....	.....	.....	.....	.....
Mudgee	Calaghan M'Carthy	150	0	0	.....	.....	.....	.....	.....	.....
Berrima	William Lanigan	150	0	0	.....	.....	.....	.....	.....	.....
M'Donald River	John Maher	150	0	0	.....	.....	.....	.....	.....	.....
Millendary	Patrick Birch	150	0	0	.....	.....	.....	.....	.....	.....
Braidwood	Edward O'Brien	150	0	0	.....	.....	.....	.....	.....	.....
Camden	John Rigney	150	0	0	.....	.....	.....	.....	.....	.....
Bungonia	Patrick White	150	0	0	.....	.....	.....	.....	.....	.....
Wellington	Denis M'Guinn	150	0	0	.....	.....	.....	.....	.....	.....
Cooma	Patrick Newman	150	0	0	.....	.....	.....	.....	.....	.....
Total, Roman Catholic Church		8,100	0	0	.....	.....	.....	.....	.....	.....
Distributed yearly to various Clergymen, under the authority of the Executive Council, as travelling allowances		200	0	0	.....	.....	.....	.....	.....	.....
Unappropriated balance		640	7	2	.....	.....	.....	.....	.....	.....
		8,940	7	2	.....	.....	.....	.....	.....	.....

RECAPITULATION.

	Schedule C.	Bishopthorpe.	Clergy and School Estates.
	£ s. d.	£ s. d.	£ s. d.
APPROPRIATED to payment of Fixed Stipends and Allowances:—			
CHURCH OF ENGLAND	14,627 15 0	600 0 0	410 0 0
PRESBYTERIAN	2,853 0 0		
WESLEYAN	650 0 0		
ROMAN CATHOLIC	8,100 0 0		
BALANCES apportioned annually to various Ministers:—			
CHURCH OF ENGLAND	6 11 5		
PRESBYTERIAN	0 15 11		
WESLEYAN	922 10 6		
ROMAN CATHOLIC	840 7 2		
TOTAL	£ 28,000 0 0	600 0 0	410 0 0

Audit Office,
30th July, 1862.

W. C. MAYNE,
Auditor General.

[Price, 1d.]

Sydney: Thomas Richards, Government Printer.—1862.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CHURCH OF ENGLAND GLEBE AT CAMPBELLTOWN.
(PETITION RELATIVE TO.)

Received by the Legislative Assembly, 17 June, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of the undersigned, the Incumbent of St. Peter's, Campbelltown,—

RESPECTFULLY SHEWETH:—

That according to a Deed of Grant, in the Survey Office, dated the 30th of June, 1823, 400 acres of land were granted by the Crown to the Incumbent for the time being (the late Rev. Thomas Reddall, sen.) and his successors.

That an offer was made to the late Rev. Thos. Reddall, sen., of £100 per annum, as compensation, upon condition of his surrendering these 400 acres. This offer Mr. Reddall refused, alleging that it would be an act of injustice to his successors. He accordingly retained possession during the remainder of his life. It was also held by his immediate successors, the Rev. Mr. Forrest and the Rev. Mr. Vidal, until he (Mr. Vidal) went to England on leave of absence, about 1844-5.

That your Petitioner has been informed, that the correspondence respecting the offer of compensation made to the Rev. Thomas Reddall is in the Survey Office. It is presumed that this offer was an admission that the land could not be legally taken possession of without the consent of the Incumbent of the Parish, and without compensation.

That during the Rev. Mr. Vidal's absence from the Colony, this land was taken and classed with the Church and School Lands. In what manner the Parish was thus dispossessed of this land, without compensation, your Petitioner has not been able clearly to ascertain.

Your Petitioner, therefore, humbly prays that your Honorable House will cause inquiry to be made on this subject, which is one of great importance to the interest of the Parish, and grant such redress as from the premises may seem just and reasonable.

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

E. SMITH,
Incumbent of St. Peter's,
Campbelltown.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CLERICAL STIPEND AND GLEBE ALLOWANCE,
GUNNING AND COLLECTOR.

PETERSON

(PETITION RELATIVE TO.)

*Received by the Legislative Assembly, 9 September, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

To the Honorable the Legislative Assembly of New South Wales, now met together in
Parliament.

The undersigned Petitioners from Gunning, Fish River, Jerrawa and Oolong, all
in the District of Gunning and Collector, Spring Valley, Wallogorang, and
Breadalbane, all in the District of the aforementioned Township of Collector,—

HUMBLY SHEW :—

1. That a great injury has come upon themselves and these united Districts, through
the present small allowance in aid of Public Worship.

2. That some £600 a year as stipend, and £60 a year in lieu of a glebe, house and
land, are said to have been formerly paid to their clergyman as maintenance, but that now, and
for more than two and a half years past, only £150 a year has been allowed for fixed stipend.

3. That three English Church buildings have been erected within these united Districts,
by the persevering influence of their pastor, whilst sites for three more churches in these
united Districts have been secured by their pastor.

4. That your Petitioners deem the allowance now made for Public Worship in the
churches already built, and stately used by their present pastor, to be altogether
inadequate. Your Petitioners therefore pray inquiry into the disposal of the aforementioned
larger allowance, and that your Honorable House will take the premises into your favourable
consideration.

And your Petitioners will ever pray, &c.

[Here follow 437 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

**LANDS DEDICATED TO RELIGIOUS
AND PUBLIC PURPOSES.**

(ABSTRACT OF.)

Ordered by the Legislative Assembly to be Printed, 11 June, 1862.

ABSTRACT of Lands authorized to be dedicated to Religious and Public purposes, between the passing of the Constitution Act and the passing of the Act 25 Victoria, No. 1, and now submitted to Parliament, in accordance with the 5th Section of the last-mentioned Act.

LOCALITY.	TO WHAT PURPOSE APPROPRIATED.	AREA.		
		a.	r.	p.
Ællalong	Roman Catholic Church, School, and Presbytery ...	2	0	0
Do.	National School	2	0	0
Armidale	Do.	1	0	0
Do.	General Cemetery	7	2	0
Albury	Show-yard for Albury and Manning River Horti- cultural and Agricultural Society ... }	3	0	0
Do.	Hospital Reserve	1	3	0
Do.	Hospital Reserve (additional site)	0	2	0
Do.	Gaol	2	2	0
Do.	Race Course	141	0	0
Adelong	Presbyterian Church, School, and Manse ...	1	2	0
Do.	Church of England Church, School, and Parsonage...	1	0	0
Do.	National School	2	0	5 $\frac{3}{4}$
Do.	Hospital	2	0	31 $\frac{1}{4}$
Appin.....	Presbyterian Church, School, and Manse ...	2	0	0
Allandale	Do.	2	0	0
Armidale	Mechanics' Institute	0	1	0
Araluen	General Cemetery	7	2	0
Bombala.....	Church of England School and Parsonage ...	1	0	28
Do.	Benevolent Asylum	2	2	13
Bega	National School	2	0	0
Do.	General Cemetery	8	0	0
Do.	Church of England Church, School, and Parsonage...	2	0	0
Do.	Presbyterian Church, School, and Manse (Synod of Eastern Australia) }	2	0	0
Do.	Roman Catholic Church, School, and Presbytery ..	2	0	0
Blaney	Presbyterian Church, School, and Manse ...	2	0	0
Do.	National School	2	0	0
Do.	Lock-up	0	2	0
Do.	Wesleyan Church, School, and Residence ...	2	0	0

2 LANDS DEDICATED TO RELIGIOUS AND PUBLIC PURPOSES.

LOCALITY.	TO WHAT PURPOSE APPROPRIATED.	AREA.		
		a.	r.	p.
Bathurst.....	Church of England Burial Ground (additional) ...	4	1	27
Do.	Roman Catholic Burial Ground (additional) ...	3	2	19
Do.	Wesleyan Burial Ground	1	2	16
Do.	Jews' Burial Ground... ..	0	3	0
Do.	Independent Burial Ground	0	3	0
Do.	General Burial Ground	1	2	19½
Do.	Mechanics' Institute	0	2	0
Do.	Telegraph Station and Post Office	0	2	0
Bundarra	Church of England Church, School, and Parsonage...	2	0	0
Do.	Church of England School	0	2	0
Do.	Court House, &c.	2	0	0
Do.	General Cemetery	7	2	0
Ballina, West.....	National School	2	0	18
Badger Brush.....	Do.	2	0	0
Bendemeer.....	Presbyterian Church, School, and Manse	2	0	0
Do.	Wesleyan Church, School, and Residence	2	0	0
Do.	National School	1	2	21½
Do.	Public Pound... ..	2	0	0
Do.	Church of England Church, School, and Parsonage ...	2	0	0
Binalong	Do.	2	0	0
Bowenfels	Watch House... ..	0	2	8
Boorowa.....	Court House	1	2	0
Barraba	National School	2	0	0
Braidwood	Presbyterian Church, School, and Manse (Synod } of Eastern Australia)	0	3	22
Bungendore	Watch House... ..	0	2	0
Carcoar	National School	0	1	25
Coogee, near	Episcopal Residence	60	2	11
Do.	Police Purposes	1	0	0
Do.	Presbyterian Church, School, and Manse	2	0	0
Cowra	Roman Catholic Church, School, and Presbytery ...	2	0	0
Do.	Church of England Church, School, and Parsonage...	2	0	0
Do.	Presbyterian Church, School, and Manse	2	0	0
Cowra, near	General Cemetery	8	0	0
Casino	Police Paddock	40	0	0
Do.	National School	2	0	0
Cooma	Boarding School in connection with Church of England	12	3	0
Do.	Benevolent Asylum	4	0	0
Do.	Pound	0	2	10
Do.	Wesleyan Church, School, and Residence	2	0	0
Campbell's Creek ...	National School	2	0	0
Clarencetown	General Cemetery	8	0	0
Do.	Presbyterian Church, School, and Manse (Synod } of Eastern Australia	1	2	16
Collector	Church of England Church, School, and Parsonage...	2	0	0
Cudgegong.....	National School	1	2	0
Do.	Wesleyan Church	1	0	0
Do.	Church of England Church	1	0	0
Dubbo	National School	1	0	0
Do.	Church of England Church, School, and Parsonage...	2	0	0
Do.	Roman Catholic Church, School, and Presbytery ...	2	0	0
Do.	Presbyterian Church, School, and Manse	1	2	0
Do.	General Cemetery	7	2	0
Deniliquin, North ...	Church of England Burial Ground	5	0	0
Do.	Roman Catholic Burial Ground	5	0	0
Deniliquin, South ...	Do.	5	0	0
Do.	Church of England Burial Ground	5	0	0
Do.	Church of England Church, School, and Parsonage...	2	0	0
Do.	Court House and Gaol	1	1	0
Do.	Police Paddock	52	0	0
Do.	Benevolent Institution	0	2	0
Do.	Police Barracks	1	1	0
Denison	Church of England Church, School, and Parsonage...	2	0	17
Denison, West	Do.	2	0	17
Eden	Do.	2	0	0
Do.	Presbyterian Church, School, and Manse	2	0	0
Do.	General Cemetery	5	0	0
Do.	Watch House... ..	0	2	0
Emu Plains	General Cemetery	5	3	6
Frederickton	Do.	7	2	0
Frederick	Church of England Church, School, and Parsonage...	2	0	0
Fish River	Wesleyan Church, School, and Residence	2	0	0

LANDS DEDICATED TO RELIGIOUS AND PUBLIC PURPOSES.

LOCALITY.	TO WHAT PURPOSE APPROPRIATED.	AREA.		
		a.	r.	p.
Gundaroo	Lock-up	1	0	0
Gundagai, North ...	Church of England Church, School, and Parsonage...	2	0	0
Do.	Wesleyan Church, School, and Residence	2	0	0
Do.	Hospital Reserve	2	2	0
Do.	Public Pound... ..	1	0	0
Do.	Telegraph Station and Post Office	0	1	36
Gundagai, South ...	Church of England Church, School, and Parsonage...	2	0	0
Grafton	General Cemetery	5	0	0
Do.	Public Pound... ..	0	2	8
Do.	School of Arts	0	1	0
Do.	Presbyterian Church, School, and Manse	2	3	8
Do.	Roman Catholic Church, School, and Presbytery	2	0	36
Do.	General Cemetery	10	0	0
Do.	Court House and Gaol	2	0	0
Do., near	Presbyterian Church, School, and Manse	0	3	0
Do., South	Public Pound... ..	0	2	0
Glen Innes.....	Court and Watch House	1	2	0
Do.	Church of England Church, School, and Parsonage...	2	0	0
Do.	Public Pound... ..	0	3	8
Do.	General Cemetery	8	0	0
Geringong	Do.	4	0	20
Goulburn	Mechanics' Institute	1	0	0
Do.	Market	4	0	18
Do.	Telegraph Station	0	1	0
Do.	Church of England Church, School, and Parsonage...	0	2	20
Do.	Roman Catholic Church and School purposes	2	0	1
Do.	Argyle Agricultural and Horticultural Society	10	0	0
Do.	National School	1	1	2
Gosford.....	Do.	2	1	4
Grose Farm	School of Arts	0	0	30 $\frac{1}{2}$
Do.	National School	0	0	30 $\frac{1}{2}$
Hexham	Do.	2	0	35
Hartley	Church of England Church, School, and Parsonage...	2	0	0
Do.	Roman Catholic School and Presbytery	1	0	13
Howlong	National School	2	0	0
Do.	Roman Catholic Church, School, and Presbytery	2	0	0
Do.	General Cemetery	7	2	0
Howlong, near	Pound	1	1	7
Do.	Poundkeeper's Residence	0	2	26
Inverell	General Cemetery	8	0	0
Do.	National School	2	0	0
Jugiong	Church of England Church, School, and Parsonage...	2	0	0
Do.	Watch House... ..	2	0	0
Do.	General Cemetery	8	0	0
Jewnee	National School	2	0	0
Kempsey, West.....	Do.	1	0	16
Do.	Court and Watch House	1	0	6
Do.	Police Paddock	20	0	0
Do.	Presbyterian Church, School, and Manse	2	0	0
Do.	Church of England Church, School, and Parsonage...	2	0	0
Do.	Roman Catholic Church, School, and Presbytery	2	0	0
Kiama	Baptist Church	0	2	9
Do.	Presbyterian Church... ..	0	2	0
Do.	Church of England Church	0	3	20
Do.	General Cemetery	6	2	19
Koree Island, near } (Hastings River) }	Do.	7	2	0
Keene's Swamp	Wesleyan Church, School, and Residence	2	0	0
Liberty Plains } Village Reserve }	Church of England Church, School, and Parsonage...	2	0	0
Louisa Creek	Church of England Burial Ground	0	1	32 $\frac{1}{2}$
Do.	Church of England Church, School, and Parsonage...	2	0	0
Do.	Presbyterian Church, School, and Manse	2	0	0
Do.	Roman Catholic Church, School, and Presbytery	2	0	0
Do.	National School	2	0	0
Do.	Public Pound... ..	0	2	0
Long Creek	National School	2	0	0
Liverpool	Wesleyan Burial Ground	0	2	11 $\frac{1}{2}$
Longbottom	Public Pound... ..	0	0	20
Do.	General Cemetery	8	2	20
Long Reach (Wol- } londilly River)... }	National School	2	0	0

4 LANDS DEDICATED TO RELIGIOUS AND PUBLIC PURPOSES.

LOCALITY.	TO WHAT PURPOSE APPROPRIATED.	AREA.		
		a.	r.	p.
Lachlan River	Church of England Church, School, and Parsonage...	2	0	0
Do.	Pound	1	2	0
Lismore	Police Buildings	2	0	0
Moruya	Pound	1	0	0
Do.	General Cemetery	8	0	0
Mutton Flat	Wesleyan Church, School, and Residence	2	0	0
Marulan	Roman Catholic Church, School, and Presbytery	2	0	0
Do.	General Cemetery	8	0	0
Mudgee	Mechanics' Institute	0	2	0
Do.	General Cemetery	9	1	20
Maitland	Presbyterian Church, School, and Manse	2	0	0
Do.	General Cemetery	31	2	0
Maitland, East	Race Course and Recreation Ground	130	0	0
Do.	National School	2	0	0
Do.	Wesleyan Church, School, and Residence	2	0	0
Murrurundi	Benevolent Asylum	2	1	0
Molong, West.....	Church of England Church, School, and Parsonage...	2	0	0
Do.	Wesleyan Church, School, and Residence	1	3	25
Do.	Roman Catholic Church, School, and Presbytery	1	3	32
Do., near	General Cemetery	8	1	25
Musclebrook	National School	2	0	0
Do.	Hospital	2	0	0
Do.	Presbyterian Burial Ground... ..	1	0	0
Mount Pleasant.....	National School	2	1	24
Do.	Wesleyan Church, School, and Residence	2	0	0
Marlee, near	General Cemetery	8	0	0
Murrumboolla	Roman Catholic Church, School, and Presbytery	2	0	0
Manning River (South Channel) }	General Cemetery	8	3	0
Nundle	Public Pound... ..	1	2	0
Do.	National School	2	0	27 $\frac{1}{2}$
Do.	Presbyterian Church, School, and Manse	2	0	0
Do.	General Cemetery	7	2	0
Nowra	Public Pound... ..	1	0	16
Newtown, near	Do.	0	1	6
Newcastle	Church of England Cathedral, School, & Burial Ground	3	2	21
Do.	Reserve for Public Recreation	140	0	0
Do.	Volunteer Fire Brigade Engine House	0	0	4
Do.	National School	0	1	5
Do.	Wesleyan Church	0	0	33
Narellan	Wesleyan Church, School, and Residence	1	0	16
Nimmitabel	Roman Catholic Church, School, and Presbytery	2	0	0
Nelson's Plains	National School	3	0	0
Narrabri.....	General Cemetery	6	1	39
Orange	National School	1	0	28
Do.	Mechanics' Institute	0	1	0
Peel	National School	2	0	0
Do.	Roman Catholic Church, School, and Presbytery	2	0	0
Parading Ground ...	Wesleyan Church, School, and Residence	2	0	0
Pure Point.....	National School	2	0	0
Panbula	General Cemetery	8	0	0
Do.	Mechanics' Institute	0	2	0
Do.	Presbyterian Church, School, and Manse (Synod of Eastern Australia	2	0	0
Parramatta Domain..	Church of England Church, School, and Parsonage...	2	0	0
Parramatta.....	Mechanics' Institute	0	0	37 $\frac{3}{4}$
Do.	General Cemetery	29	0	38 $\frac{1}{4}$
Paddington, Upper...	Roman Catholic Church, School, and Presbytery	1	0	0
Paddington	Church of England Church, School, and Parsonage...	1	1	24 $\frac{3}{4}$
Piney Range Reserve	Public Pound... ..	1	0	0
Do.	Poundkeeper's Residence	1	0	0
Port Macquarie	General Cemetery	7	2	20
Pokolbin	Roman Catholic Church, School, and Presbytery	2	0	0
Do.	Church of England Church, School, and Parsonage...	2	0	0
Do.	National School	2	0	0
Quarantine Station ..	Roman Catholic Episcopal Residence	60	0	0
Queanbeyan	Court House	1	0	0
Rodborough	Church of England Church, School, and Parsonage...	2	0	0
Richardson's Point...	Church of England Burial Ground	0	1	2
Randwick and Coogee	General Cemetery	8	1	38
Randwick	Wesleyan Church, School, and Residence	1	3	14
Do.	Public Pound... ..	0	2	0

LANDS DEDICATED TO RELIGIOUS AND PUBLIC PURPOSES.

5

LOCALITY.	TO WHAT PURPOSE APPROPRIATED.	AREA.		
		a.	r.	p.
Randwick	Municipal Council Chambers	0	3	36½
Richmond	Roman Catholic Church, School, Presbytery, and } Burial Ground	3	1	37
Do.	Presbyterian Church, School, and Manse	2	0	0
Do.	Mechanics' Institution	1	0	0
Do.	Wesleyan Church, School, and Residence	1	2	28
Do.	Presbyterian School (Synod of Eastern Australia)	0	1	0
Rockley	Wesleyan Church, School, and Residence	2	0	0
Do.	Church of England Church, School, and Parsonage... ..	2	0	0
Do.	National School	2	0	0
Rylstone.....	Roman Catholic Church, School, and Presbytery	2	0	0
Do.	Public Pound... ..	1	0	0
Do.	National School	2	0	0
Raymond Terrace ...	General Cemetery	7	2	18
Sydney (St. James') ..	Fire Engine Station	0	0	1½
Do. (St. Laurence) ..	Fire Engine House	0	0	2
Do. do.	Fire Engine Station (additional)	0	0	2
Do. (Phillip-st.) ..	Do.	0	0	1½
Do.	Water Police Office	0	1	21½
Do. (near Gaol) ..	Roman Catholic School (additional)... ..	0	0	29
Do. (St. Philip) ..	Roman Catholic Presbytery	0	0	8
Do.	Approach to University	8	0	14
Do.	Hall in connection with the New South Wales } Auxiliary to the British and Foreign Bible Society }	0	0	8
Do.	Sailors' Home... ..	0	1	34¼
Do.	Unitarian Chapel and Residence	0	0	32¼
St. Leonards	Roman Catholic Church, School, and Presbytery	2	0	0
St. Alban's	Wesleyan Church, School, and Residence	2	0	0
Severn	National School	1	0	0
Scone.....	Public School... ..	0	2	0
Do.	Public Library	0	0	2¾
Do.	Mechanics' Institute	0	1	20
Spring Valley	Roman Catholic Church, School, and Presbytery	1	3	39
Seymour	Church of England Church, School, and Parsonage... ..	2	0	0
Do.	General Cemetery	7	2	0
Tillygerry Creek ...	National School	2	0	0
Tinonee	Church of England Church, School, and Parsonage... ..	1	3	36
Do.	National School	2	0	0
Tenterfield.....	School of Arts	0	2	0
Do.	Roman Catholic Church, School, and Presbytery	2	0	0
Tamworth	Presbyterian Church, School, and Manse	2	0	0
Do.	General Cemetery	8	0	0
Do.	Pound	1	0	32
Do.	Court House	0	2	0
Do.	Wesleyan Church, School, and Residence	2	1	0
Tambaroora	Church of England Church, School, and Parsonage... ..	2	0	0
Do.	National School	2	1	8
Do.	General Cemetery	3	3	0
Tuena.....	National School	1	1	35½
Taralga	General Cemetery	4	2	29
Uralla	Presbyterian Church, School, and Manse	2	0	0
Do.	Church of England Church, School, and Parsonage... ..	2	0	0
Ulladulla	Church of England Burial Ground	2	0	0
Do.	Roman Catholic Burial Ground	2	0	0
Do.	Wesleyan Burial Ground	2	0	0
Do.	Presbyterian Burial Ground... ..	0	1	2
Do.	Wesleyan Church, School, and Residence	2	0	0
Do.	Race Course and Recreation Ground	273	3	4
Do.	Presbyterian Church, School, and Manse (Synod } of Eastern Australia	2	0	0
Waverley, near	Church of England Church, School, and Parsonage... ..	2	0	0
Do.	Church of England Clergyman's Daughters	3	2	3
Waverley	Wesleyan Church, School, and Residence	2	0	0
Do.	Pound	0	2	0
Wingham	Church of England Church, School, and Parsonage... ..	2	0	0
Do.	Court and Watch House	1	0	0
Windsor	Mechanics' Institute	0	0	20
Do.	Church of England School	0	2	23
Do.	Post Office and Telegraph Station	0	1	3
Wagga Wagga, South	National School	1	3	16
Do.	Court House	1	1	0
Do.	Wesleyan Church, School, and Residence	2	0	0

6 LANDS DEDICATED TO RELIGIOUS AND PUBLIC PURPOSES.

LOCALITY.	TO WHAT PURPOSE APPROPRIATED.	AREA.		
		a.	r.	p.
Wagga Wagga, South	Church of England Church, School, and Parsonage...	2	0	0
Do.	Hospital	1	0	0
Do.	School of Arts	0	1	1 $\frac{1}{2}$
Wollombi	Wesleyan Minister's Residence	0	3	14
Do.	Telegraph and Post Office	0	1	24
Wilberforce	Church of England Church, School, and Parsonage...	7	2	15
Wattle Flat	Roman Catholic Church, School, Presbytery, and } Burial Ground	8	0	0
Do.	National School	2	0	0
Do.	Wesleyan Church, School, and Residence	2	0	0
Walcha	National School	2	0	0
Do.	General Cemetery	6	0	0
Do.	Church of England Church, School, and Parsonage...	2	0	0
Wentworth.....	Hospital	10	0	0
Do.	Presbyterian Church, School, and Manse	2	0	0
Windeyer	National School	2	0	0
Do.	Roman Catholic Church, School, and Presbytery	2	0	0
Do.	Presbyterian Church... ..	0	2	3
Do.	General Cemetery	8	8	0
Wee Waa	Benevolent Asylum	1	0	32
Do.	General Cemetery	7	1	39
Warkworth	National School	2	0	0
Woollahra	Pound... ..	0	2	0
Waratah.....	General Cemetery	18	2	39
Yass	Presbyterian Church, School, and Manse	2	0	0
Do.	National School	2	0	0
Young	General Cemetery	9	3	39

Surveyor General's Office,
Sydney, 15 January, 1862.

A. G. McLEAN.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CHRIST CHURCH, NEWCASTLE.
(CORRESPONDENCE.)

Ordered by the Legislative Assembly to be Printed, 19 September, 1862.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 1 July, 1862, praying that His Excellency the Governor would be pleased to cause to be laid upon the Table of this House,—

“ (1.) Copies of all Correspondence relating to the appointment of the Reverend Canon Fletcher as Trustee of Christ Church, Newcastle, and the subsequent revocation of such appointment, between the Government and the Lord Bishop of Newcastle, the Bishop’s Secretary—Mr. Kerrison James, and the Reverend Canon Fletcher; and also copies of any Opinions given by the Attorney General on the same subject, together with all Minutes of the Executive Council thereon.

“ (2.) Copies of all Correspondence and Papers, as above, relating to the election of Messrs. Hannell and Bingle as Trustees of the same Church.”

(*Mr. Hannell.*)

SCHEDULE.

NO.	PAGE.
1. Mr. H. K. James to the Under Secretary, submitting, by direction of the Bishop of Newcastle, the appointment of the Rev. John Fletcher to be Trustee of Christ Church, Newcastle, Parsonage and Burial Ground, in the room of the Rev. C. P. N. Wilton, deceased, for approval. 23 November, 1861	3
2. Minute of Executive Council approving. 3 December, 1861	3
3. Mr. H. K. James to the Under Secretary, expressing the desire of the Bishop of Newcastle to withdraw the application made for the approval of the Rev. Mr. Fletcher as Trustee. 13 December, 1861	3
4. Under Secretary to Mr. James, in reply. 24 December, 1861	3
5. Mr. James to the Under Secretary, in continuation. 28 December, 1861	4
6. Minute of the Executive Council, advising compliance with the application of the Bishop of Newcastle (No. 2). 7 January, 1862	4
7. Under Secretary to the Bishop of Newcastle, apprising him of the decision of the Executive Council. 11 February, 1862	4
8. The Rev. Mr. Fletcher to the Colonial Secretary, intimating the election of James Hannell, Esq., and John Bingle, Esq., to be Trustees in the room of Messrs. A. W. Scott and George Tully, resigned. 1 February, 1862	4
9. Mr. James to the Under Secretary, requesting, by direction of the Bishop of Newcastle, that an appointment made by His Lordship of Beresford Hudson, Esq., to be a Trustee in the room of the Rev. Mr. Wilton, be approved. 14 February, 1862	5
10. Minute of the Executive Council, approving the appointment of Mr. Beresford Hudson as Trustee. 4 March, 1862	5
11. Notice of the approval of the appointment of Mr. Hudson. 24 March, 1862	5
12. Messrs. Bingle and Hannell to the Colonial Secretary, respecting their appointment as Trustees. 20 February, 1862	5
13. Under Secretary to the Bishop of Newcastle, forwarding Mr. Fletcher's letter of 1 February (No. 8). 20 February, 1862	6
14. The Rev. Mr. Fletcher to the Colonial Secretary, protesting against the cancellation of his appointment as Trustee. 21 February, 1862	6
15. Opinion of the Attorney General as to the legality of the appointment of Mr. Hudson. 25 February, 1862	7
16. The Rev. Mr. Fletcher to the Colonial Secretary, on the subject of the appointment of Messrs. Hannell and Bingle as Trustees. 5 March, 1862	7
17. Under Secretary to Mr. Fletcher, in reply. 11 March, 1862	7
18. Under Secretary to Messrs. Bingle and Hannell, in reply to their letter of 20 February (No. 11). 11 March, 1862	8
19. Under Secretary to the Bishop of Newcastle, respecting the protest of the Rev. Mr. Fletcher (No. 14). 24 March, 1862	8
20. Messrs. Bingle and Hannell to the Colonial Secretary, protesting against the nomination of Trustees by the Bishop of Newcastle. 26 March, 1862	8
21. Under Secretary to the Bishop of Newcastle, forwarding a copy of Messrs. Bingle and Hannell's statement. 3 April, 1862	8
22. Messrs. Bingle and Hannell to the Colonial Secretary, forwarding a statement respecting their appointment as Trustees. 4 April, 1862	9
23. Under Secretary to the Bishop of Newcastle, requesting His Lordship's remarks on statements made by Messrs. Bingle and Hannell. 11 April, 1862	10
24. Mr. James to the Under Secretary, conveying the Bishop of Newcastle's reply to No. 20. April, 1862	10
25. The Bishop of Newcastle to the Colonial Secretary, in reply to letter of 11th April, No. 26. 19 May, 1862	12
26. Messrs. Hannell and Bingle, in continuation, to the Colonial Secretary. 26 May, 1862	13
27. Ditto ditto ditto 26 May, 1862	14
28. Under Secretary to the Secretary to the Crown Law Officers, referring for further consideration the question of the appointment of the Reverend Mr. Fletcher, and the election of other Trustees. 2 June, 1862	15
29. Under Secretary to Messrs. Hannell and Bingle. 4 June, 1862	15
30. Opinion of Attorney General called for on 2nd June (No. 26.) 6 June, 1862	15
31. Under Secretary to Bishop of Newcastle, conveying the purport of the Attorney General's opinion (No. 28.) 17 June, 1862	16
32. Under Secretary to Messrs. Bingle and Hannell, conveying the purport of the Attorney General's opinion. 17 June, 1862	16
33. Mr. James to Under Secretary, submitting, by direction of the Bishop of Newcastle, the appointment of Messrs. Charles Bolton and Charles B. Ranclaud, as Trustees, for approval. 28 June, 1862	16
34. Messrs. Hannell and Bingle to the Colonial Secretary, requesting that any action with respect to the appointment of Trustees may, for the present, be suspended. 5 July, 1862.. .. .	17
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CHRIST CHURCH, NEWCASTLE.

No. 1.

MR. JAMES to THE UNDER SECRETARY.

Sydney, 23 November, 1861.

SIR,

I have the honor, by direction of the Bishop of Newcastle, to state, for the information of the Honorable the Chief Secretary, that His Lordship has nominated the Reverend John Fletcher, licensed Minister and Canon of Christ Church, Newcastle, to be Trustee of the said Church, Parsonage, Glebe and Burial Ground, in the room of the Reverend C. P. N. Wilton, M.A., deceased, according to the provisions of the Act 8 Wm. IV., No. 5, sec. 5, and to request that the said appointment may be approved by His Excellency the Governor and Executive Council.

I have, &c.,

H. KERRISON JAMES.

No. 2.

Minute No. 61-53. Confirmed, 10th December, 1861.

3 December, 1862.

His Excellency the Governor lays before the Council a Minute Paper, by the Honorable the Vice President, submitting a letter from H. K. James, Esq., Bishop's Registrar, reporting that the Bishop of Newcastle has nominated the Revd. John Fletcher, licensed Minister and Canon of Christ Church, Newcastle, to be Trustee of that Church, Parsonage, Glebe and Burial Ground, under the provisions of the Act 8 Wm. IV., No. 5, sec. 5, in the room of the Reverend C. P. N. Wilton, M.A., deceased.

2. The Council advise that the necessary steps for vesting the Trusteeship of the Church, Parsonage, Glebe and Burial Ground above mentioned in the Rev. John Fletcher be taken accordingly.

CHAS. COWPER, JUNR.,

Clerk of the Council.

No. 3.

MR. JAMES to THE UNDER SECRETARY.

Sydney, 13 December, 1861.

SIR,

Referring to my letter dated 23rd November last, submitting, by desire of the Bishop of Newcastle, for the approval of His Excellency the Governor and Council, the nomination of the Reverend Canon Fletcher as Trustee of Christ Church, Newcastle, in the room of the Reverend C. P. N. Wilton, deceased, I have now the honor, by His Lordship's direction, to request leave respectfully to withdraw that application.

I have, &c.,

H. KERRISON JAMES.

No. 4.

THE UNDER SECRETARY to MR. JAMES.

Colonial Secretary's Office,

Sydney, 24 December, 1861.

SIR,

I am directed to acknowledge the receipt of your letter of the 13th instant, wherein, by desire of the Bishop of Newcastle, you requested permission to withdraw your communication of the 23rd ultimo, in which you submitted for approval the nomination of the Revd. Canon Fletcher as Trustee of Christ Church, Newcastle, in the room of the Revd. C. P. N. Wilton, deceased.

2. In reply, I am instructed to state, that the appointment in question had been made previously to the receipt of your letter, and to inquire whether His Lordship wishes it to be cancelled.

I have, &c.,

W. ELYARD.

No. 5.

No. 5.

MR. JAMES to THE UNDER SECRETARY.

Sydney, 28 December, 1861.

SIR,

In reply to your letter of the 24th instant, in reference to my communication of the 13th, inquiring whether the Bishop of Newcastle wishes the nomination of the proposed Trustee of Christ Church, Newcastle, to be cancelled, I am directed by His Lordship to explain that the application for the approval of that nomination by His Excellency the Governor in Council was inadvertently made *before the legal instrument of appointment was actually executed*, and that subsequently to that date His Lordship saw reason to reconsider the appointment, and has not yet finally determined.

Under these circumstances, it was His Lordship's wish that I might be allowed to withdraw my communication of the 23rd ultimo.

I have, &c.,

H. KERRISON JAMES.

No. 6.

PROCEEDINGS of the Executive Council on the 7th January, 1862, in reference to the cancellation of the appointment of the Rev. Canon Fletcher as Trustee of the Episcopalian Church, &c., Newcastle.

Minutes 62/1. Confirmed, 14th January, 1862.

WITH reference to the proceedings of the 3rd ultimo, His Excellency the Governor now lays before the Council a Minute Paper by the Honorable the Vice President, submitting a letter from the Bishop of Newcastle, requesting leave to withdraw his application that the Trusteeship of the Church, Parsonage, Glebe, and Burial Ground at Newcastle should be vested in the Rev. Mr. Fletcher, in the room of the Rev. Mr. Wilton, on the grounds that it was inadvertently made before the legal instrument of appointment was actually executed, and that he now sees reason to reconsider the appointment.

2. The Council advise that the application of the Bishop be granted, and that the appointment referred to be cancelled.

CHAS. COWPER, JUNR.,

Clerk of the Council.

No. 7.

THE UNDER SECRETARY to BISHOP OF NEWCASTLE.

*Colonial Secretary's Office,**Sydney, 11 February, 1862.*

MY LORD,

I am directed to inform your Lordship, that a letter from Mr. James, dated 28th December last, in which by your direction leave was requested to withdraw the application made on the 23rd November, 1861, that the Trusteeship of the Church, Parsonage, Glebe, and Burial Ground at Newcastle should be vested in the Rev. Mr. Fletcher, in the room of the Rev. Mr. Wilton, on the grounds that it was inadvertently made before the legal instrument of appointment was actually executed, and that your Lordship saw reason to reconsider the appointment, has been submitted to the Executive Council.

2. I am further to apprise your Lordship, that His Excellency the Governor, with the advice of the Council, has been pleased to approve of the application in question being granted, and of the appointment referred to being cancelled.

I have &c.,

W. ELYARD.

No. 8.

REV. MR. FLETCHER to COLONIAL SECRETARY.

*Christ Church Parsonage,**Newcastle, New South Wales,**1 February, 1862.*

SIR,

I beg to inform you that at a meeting of pewholders and renters of sittings of Christ Church, Newcastle, held on January 31st ult., in conformity with the provisions of the Act of Parliament of William IV., No. 5, an election was made of two of the said pewholders, to become Trustees of the said Church and Church Property belonging thereto, and I hereby beg to inform you that James Hannell, Esq., M.P., Mayor of Newcastle, and John Bingle, Esq., J.P., of Newcome-street, in the City of Newcastle, were duly elected as Trustees, in the room of Messrs. A. W. Scott and Geo. Tully resigned.

I

I have forwarded the names of these gentlemen, by this day's post, to the Registrar of the Bishop of this Diocese, for insertion in the book kept by him for that purpose, and I shall feel obliged if you will be pleased to submit the names of these two gentlemen to the Governor and Executive Council, for approval, with as little delay as possible.

I have, &c.,

JOHN FLETCHER, B.A.,
Incumbent and Canon of Christ Church Cathedral,
Newcastle, and Chairman of Vestry.

No. 9.

MR. JAMES to THE UNDER SECRETARY.

Sydney, 14 February, 1862.

SIR,

I have the honor, by direction of the Bishop of Newcastle, to state for the information of the Honorable the Chief Secretary, that His Lordship has duly executed an instrument bearing date the 17th January, 1862, nominating Beresford Hudson, Esq., to be Trustee of the Church, Parsonage, Glebe, and Burial Ground of Newcastle, in the room of the late Reverend Charles Pleydell Neale Wilton, M.A., deceased, according to the provisions of the Act 8 William IV., No. 5, section 5, and to request that the said appointment may be approved by His Excellency the Governor and Executive Council.

I have, &c.,

H. KERRISON JAMES.

No. 10.

Minute 62/8. 4 March, 1862.

THE Executive Council advise that the necessary steps be taken for vesting the Trusteeship of the Church, Parsonage, Glebe, and Burial Ground, at Newcastle, in Beresford Hudson, Esquire, in the room of the Rev. C. P. N. Wilton, deceased, and in accordance with the nomination of the Bishop of Newcastle.

CHARLES COWPER, JUNR.,
Clerk of the Council.

No. 11.

Colonial Secretary's Office.
Sydney, 24 March, 1862.

TRUSTEE of Land granted as a site for Church of England Church purposes.

HIS Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the appointment of Beresford Hudson, Esquire, to be Trustee of the Church of England Church, Parsonage, Glebe, and Burial Ground, at Newcastle.

CHARLES COWPER.

No. 12.

MESSRS. BINGLE AND HANNELL to COLONIAL SECRETARY.

Newcastle, 20 February, 1862.

SIR,

On the 31st of January we were elected by the pewholders of Christ Church, Newcastle, to become Trustees of the said Church; on the 1st instant (as we have been informed) our names were forwarded to the Honorable the Colonial Secretary by the Chairman of the Vestry, to be submitted to his Excellency the Governor and Executive Council for their approval.

As yet no answer has been received to that communication, and as there are certain matters which require the immediate attention of the Trustees, we shall feel obliged if you would be pleased early to notify to us the approval of his Excellency and Council to our appointment.

We have, &c.,

JOHN BINGLE.
JAMES HANNELL.

No. 13.

No. 13.

THE UNDER SECRETARY to BISHOP OF NEWCASTLE.

*Colonial Secretary's Office,
Sydney, 20 February, 1862.*

MY LORD,

I am directed by the Colonial Secretary to transmit to your Lordship the enclosed communication from the Rev. J. Fletcher, respecting the election of Trustees for Christ Church at Newcastle.

1 Feb., 1862.

I have, &c.,
W. ELYARD.

No. 14.

REV. MR. FLETCHER to COLONIAL SECRETARY.

*Christ Church Parsonage,
Newcastle, 21 February, 1862.*

SIR,

It is known to you that on or about November of last year my name was submitted to His Excellency the Governor and the Executive Council for approval to become one of the Trustees of Christ Church, Newcastle, on the nomination of the Lord Bishop of Newcastle, to whom did then belong (under the provisions of S Wm. IV., No. 5, sect. 5) the right of nominating one, to fill the vacancy occasioned by the death of the late Rev. Canon Wilton, such vacancy not having been filled up within two months after his death.

I have been informed that this nomination by the Bishop of Newcastle was approved by the Governor and Council, and that an application has been made (subsequently to that approval) by the Bishop of Newcastle, requesting that such approval may be cancelled.

On this account I request most respectfully to submit to His Excellency the Governor and Council that the approval of myself as nominated by the Bishop ought not to be cancelled, and that the Bishop should not be permitted to withdraw his nomination of myself to the aforesaid trust, until good and sufficient reasons be assigned by the Bishop why he desires to have the approval of my nomination cancelled, nor until permission be granted to me to appear and answer all and every reason which may be advanced against the confirmation of my appointment as Trustee of the said Church.

And I beg further to request that His Excellency the Governor and Council may be pleased to refuse to cancel their approval already given.

In the meanwhile I beg leave to lay before you, for the better information of His Excellency the Governor and Council, the accompanying statement, with extracts of correspondence relating to the nomination of myself to the said Trust, from which it will be seen that the nomination by the Bishop was made after due deliberation, and in accordance with a full understanding between the Bishop and me as regards this matter.

I have, &c.,
JOHN FLETCHER.

[Enclosure in No. 14.]

STATEMENTS, with Extracts of Correspondence relative to the nomination of the Reverend Canon Fletcher, by the Lord Bishop of Newcastle, to become a Trustee of Christ Church, Newcastle.

The Rev. Canon Wilton, Incumbent of Christ Church, Newcastle, and a Trustee of said Church, died in the year 1859. (June 5th.)

The Rev. John Fletcher arrived in the Colony in January, 1861, and was licensed as Minister and Incumbent of Christ Church, Newcastle, on February 1st, 1861, and appointed Canon of the Cathedral Church on March 11th, 1861.

On July 30th, 1861, the Bishop of Newcastle thus addressed by letter the Rev. Canon Fletcher: (Extract.)

"Respecting the Trusteeship of the Church and Glebe—I think it best to appoint you at once, in the place of the Rev. Canon Wilton. You may therefore consider that I hereby announce to you your appointment to that Trusteeship."

On August 31, 1861, the Bishop again addressed Mr. Fletcher on the same subject, as follows: (Extract.)

"You are quite mistaken in supposing that I mentioned to you any opinion of Mr. James respecting your being Trustee of the Church and Glebe of Christ Church. To that Trusteeship I have appointed you."

On October 23, 1861, Mr. Kerrison James, Secretary to the Bishop of Newcastle, wrote to Mr. Fletcher, as follows: (Extract.)

"The only vacancy now in the Trust is that which you will supply, and I have therefore put your deed of appointment in hand."

On November 6th, 1861, the Bishop again addressed the Rev. Canon Fletcher on the same subject, in these words: (Extract.)

"Respecting the appropriation of the new seats, I would propose that the Trustees for the present retain in their hands the control of letting the sittings; that yourself and Mr. Kemp, the resident Trustees, (for there can now be no objection to you considering yourself as Trustee, and acting as such,) undertake the duty of appropriating the new seats."

On November 23rd the Bishop thus wrote to his Secretary, Mr. Kerrison James: (Extract.)

"Respecting the first point mentioned in your letter of the 20th inst.—the appointment of the Clergyman,

"Clergyman as Trustee, it may be well to consider, in future cases, the expediency of doing so, but in the present case I wish, for many reasons, my nomination of Mr. Canon Fletcher to be carried out. I therefore again request you to communicate to the Executive my nomination of Mr. Canon Fletcher, for their approval, and I wish this to be done without any further delay."

On November 26, 1861, Mr. Kerrison James thus addressed the Rev. Canon Fletcher: (Extract.)

"I am forwarding the commission constituting you the successor of the late Canon Wilton as Trustee of the Church Properties at Newcastle, so that as it will bear date the 1st inst., you may, as His Lordship stated, safely assume the office. The *pro forma* approval of the Executive will soon be communicated."

On December 17th, 1861, the Bishop of Newcastle convened a meeting of the Parishioners of Christ Church, Newcastle, and in the *Newcastle Chronicle*, of December 21, is reported to have used these words:—

"I have now received and hold in my hands the Deed of Confirmation of the appointment, and all that is required to complete it is my signature. It already has the Episcopal Seal, but I have to sign it, and intend to pause, and until it is signed Mr. Canon Fletcher will have no voice in the redistribution of sittings. Now that Mr. Kemp and I are alone Trustees, I will ask him if he agrees to carry out the redistribution according to the rules I proposed."

(True Extracts.)

JOHN FLETCHER.

Newcastle, February 21, 1862.

No. 15.

OPINION OF ATTORNEY GENERAL.

Bishop of Newcastle, for approval of appointment of Beresford Hudson, Esq., as Trustee of Church, Parsonage, Glebe, and Burial Ground, Newcastle, in room of late C. P. N. Wilton.

I see no legal objection to the cancellation which has taken place of the Minute as to the appointment of Mr. Fletcher before the execution of the legal instrument, that is, I presume, the writing under the Episcopal Seal nominating the new Trustee, as enacted by the 5th section of 8 William IV., No. 5, and on the contingencies mentioned in that section.

As the 6th section of that Act declares that such new Trustee, nominated as aforesaid, shall become joint Trustee, I consider the whole legal operation of the appointment as open for reconsideration, until the nomination under section 5 and the execution of the deeds mentioned by section 6:

Consequently, the consent of the Executive Council may, in my opinion, be lawfully given to the proposed nomination of Mr. Hudson.

JOHN F. HARGRAVE,
Attorney General.

The Principal Under Secretary,
B.C., 25 February, 1862.

No. 16.

REV. MR. FLETCHER to COLONIAL SECRETARY.

*Christ Church Parsonage,
Newcastle, 6 March, 1862.*

SIR,

Permit me to draw your attention to my letter of February the 1st, of this year, with reference to the election of Messrs. Hannell and Bingle as Trustees of our Church.

As yet I have not been favoured with any reply to that letter, and now at their request I beg the favour of an early communication from you on this subject.

I have, &c.,
JOHN FLETCHER,
Incumbent.

No. 17.

THE UNDER SECRETARY to MR. FLETCHER.

*Colonial Secretary's Office,
Sydney, 11 March, 1862.*

REVEREND SIR,

With reference to your letter of the 1st ultimo, respecting the election of Trustees for Christ Church at Newcastle, I am directed by the Colonial Secretary to inform you, that your communication has been transmitted to the Bishop of Newcastle, through whom, as the Head of the Communion, it has been usual to forward such applications.

I have, &c.,
W. ELYARD.

No. 18.

THE UNDER SECRETARY to MESSRS. BINGLE AND HANNELL.

*Colonial Secretary's Office,
Sydney, 11 March, 1862.*

GENTLEMEN,

With reference to your letter of the 20th ultimo, respecting the election of Trustees of Christ Church at Newcastle, I am directed by the Colonial Secretary to inform you that the communication to which you allude from the Reverend Mr. Fletcher has been transmitted to the Bishop of Newcastle, through whom, as the Head of the Communion, it has been usual to forward such applications.

I have, &c.,
W. ELYARD.

No. 19.

THE UNDER SECRETARY to BISHOP OF NEWCASTLE.

*Colonial Secretary's Office,
Sydney, 24 March, 1862.*

MY LORD,

I am directed to inform your Lordship that a letter has been received from the Rev. John Fletcher, Newcastle, protesting against the cancellation of his appointment as one of the Trustees of the Church of England at that place, and to request that you will have the goodness to apprise Mr. Fletcher that the Attorney General has advised that there was no legal objection to the course which has been adopted in this case.

2. I am to add, with a view to Mr. Fletcher being apprised, that correspondence on the affairs of the Church should, according to the usual practice, be conducted through the Head of the Clergy of the Communion to which the Minister belongs.

I have, &c.,
W. ELYARD.

No. 20.

MESSRS. BINGLE AND HANNELL to COLONIAL SECRETARY.

Newcastle, 26 March, 1862.

SIR,

We have the honor to acknowledge the receipt of your letter of the 11th instant, whereby we are informed that you have referred to the Lord Bishop of Newcastle the letter of the Rev. Canon Fletcher in which he notified to you our election as Trustees of Christ Church, Newcastle.

We believe it to be our duty to declare our protest against this mode of dealing with this matter, as the Church Act of the 7th and 8th William the 4th gives no power to the Bishop to interfere, nor requires the Executive to refer such matters to the Bishop for his approval.

We beg leave further to state that a letter has been placed in our hands, addressed by the Bishop of Newcastle to the Rev. Canon Fletcher, in which His Lordship writes, "that the election on January 31st was null and void, and that the nomination has now lapsed to me" (i.e., the Bishop.) Against any such intended nomination of Trustees by His Lordship we most emphatically protest, fully believing that we are ourselves the legally elected Trustees to fill the vacancies which have been declared in the Trust of Christ Church, Newcastle.

We have, &c.,
JOHN BINGLE.
JAMES HANNELL.

No. 21.

THE UNDER SECRETARY to BISHOP OF NEWCASTLE.

*Colonial Secretary's Office,
Sydney, 3 April, 1862.*

MY LORD,

With reference to my letter of the 24th ultimo, No. 62-908, respecting a communication in which the Rev. John Fletcher protested against the cancellation of his appointment as one of the Trustees of the Church of England at Newcastle, I am now directed to transmit to your Lordship the copy of a communication from Messrs. Bingle and Hannell respecting their election as Trustees of the Church in question.

I have, &c.,
W. ELYARD.

No. 22.

No. 22.

MESSRS. BINGLE AND HANNELL to COLONIAL SECRETARY.

Newcastle, 4 April, 1862.

SIR,

We respectfully beg your special attention for the consideration of the particulars set down in the accompanying statement, with reference to our election to fill the office of Trustees of Christ Church, Newcastle.

And we take the liberty to request that you may be pleased to lay the accompanying statement before His Excellency the Governor and the Executive Council, in confirmation of our protest forwarded to you on the 26th March last.

We have, &c.,

JAMES HANNELL.
JOHN BINGLE.

[Enclosure in No. 22.]

TRUSTEES of Christ Church, Newcastle.

It is required by Act 7 Wm. 4, that not less than three nor more than five Trustees shall be appointed, &c.

Act 8 Wm. 4 declares how vacancies in trusteeship shall be filled up.

At the beginning of year 1859 the five Trustees were—Bishop of Newcastle, Reverend Canon Wilton, Incumbent of Church, Alexander Walker Scott, Esq., George Tully, Simon Kemp.

In 1859 Canon Wilton died.

Some time in 1860 (as is supposed) Mr. Tully sent his resignation to the Bishop of Newcastle*.

About August, 1861, Mr. A. W. Scott sent his resignation to the Bishop of Newcastle, but of this the Bishop did not give information to the pewholders of Christ Church.

The Act requires that "no Trustee shall be permitted to resign his office until he shall duly have accounted, to the satisfaction of his Co-trustees, for all sums of money at any time received by him in his said trust." 8 Wm. 4, No. 6, s. 4.

In the year 1861 the Bishop of Newcastle, under provisions of Act 8 Wm. 4, No. 6, s. 5, nominated Rev. Canon Fletcher, Incumbent of Christ Church, Newcastle, to be a Trustee in the room of Rev. Canon Wilton deceased. The Governor and Council approved the nomination.

The Bishop of Newcastle subsequently applied to Executive Council to rescind their approval. They consented. The Bishop refused to complete the appointment by annexing his signature to the deed of appointment, which had already been sealed by the Episcopal Seal.

On December 17th, 1861, the Bishop called together, (by public advertisement in the *Newcastle Chronicle*.) the pewholders, &c., of Christ Church, Newcastle.

At that meeting there was a large number of pewholders present. Mr. Simon Kemp and the Bishop were present. (The only Trustees then acting).

At this meeting the Bishop declared that there were two vacancies in the trusteeship, by the resignation of Scott and Tully; and that it was the duty of the pewholders forthwith to elect two Trustees in the room of the said Scott and Tully. He said that he had not decided whether he should complete the appointment of the Reverend Canon Fletcher, in the room of Wilton, deceased, or appoint some other person.

The pewholders took this notice, thus given by the Bishop, and assented to by Mr. Simon Kemp, at the meeting, to be the formal public announcement by the "continuing Trustees," to the pewholders, that the resignations of Messrs. Scott and Tully were complete. No notice had been previously given, and no money had ever passed through the hands of either Scott or Tully relating to the trust, so that they had no accounts to render to their Co-trustees.

As the Act requires that the "continuing Trustees" shall call a meeting of pewholders, &c., within one month after resignation of a Trustee, the pewholders waited one month from the aforesaid day of this public announcement of the resignation of Scott and Tully aforesaid; but the "continuing Trustees" did not call a meeting of pewholders, &c., to elect new Trustees within one month; therefore six pewholders convened a meeting by public advertisement, of which the following is a copy:— 8 Wm. 4, No. 6, s. 5.

"To the Pewholders and Renters of Sittings of Christ Church, Newcastle.

"We, the undersigned, being six Pewholders of the above Church, hereby convene a Meeting of Pewholders and Renters of Sittings of Christ Church, Newcastle (under the provisions of the Act of Parliament 8 William 4, No. 6), to be held in the Vestry Room of the said Church, on Friday evening the 31st inst., at half-past seven o'clock, for the purpose of electing two Trustees, to fill the vacancies caused by the resignation of Messrs. Alexander Walker Scott and George Tully.

"Dated at Newcastle, this 10th day of January, A.D. 1862.

"W. T. BOYCE.
"JAS. WISE.
"W. W. ROWE.
"HENRY USHER.
"F. CURREY.
"F. J. SHAW."

Such meeting was held in the Vestry Room of Christ Church, thence adjourned by unanimous vote of Vestry, to the Church of England School Room. At this meeting there were four candidates for election of Trustees proposed:—Mr. John Bingle, senr., J.P., Mr. James Hannell, M.L.A., Mayor of Newcastle, Mr. Ransland, of Newcastle, Mr. John R. Bingle, junr., of Newcastle. The majority of votes were in favour of the two former—Mr. Bingle, senr., and Mr. Hannell.

Objections were verbally made to certain votes by parties on both sides, but no written objection was handed in, nor was any protest against the election either then or at any subsequent time handed to the chairman of the meeting.

Mr. Simon Kemp was present and took part in the proceedings, and voted for the defeated candidates.

On Feb. 1st the chairman returned to the Colonial Secretary the names of Messrs. Bingle, senr., and Hannell, for the approval of the Executive. The Colonial Secretary referred the papers, &c., to the Bishop of Newcastle. The Bishop objected to approve of the candidates so returned.

(The Act does not state that the Bishop's approval is necessary, nor that the matter should be referred to the Bishop.)

The

* The Bishop did not then make it known.

The Bishop did not forward any statement of objections to the pewholders, nor any protest against the election. On March 17 the Bishop addressed a letter to the Chairman of the Vestry (Rev. Canon Fletcher), in which he declared that the election at the meeting on January 31st is "null and void," but gave no reasons. The Bishop added,—“the nomination has now lapsed to me.”

On March 29th it was reported in Newcastle that the Bishop was coming to Newcastle to hold a meeting of Trustees. About twenty of the pewholders met him on arrival and requested an interview. A meeting took place in the Vestry Room on that day, when the Bishop informed the pewholders that on January 18th, 1862, he had held a Trustee meeting (Bishop and Kemp), at which meeting they (the continuing Trustees) had formally accepted the resignation of Messrs. Scott and Tully, and therefore that their resignation was to date from that day. (This meeting and its purpose were carefully kept secret from the pewholders—neither the meeting itself nor the purpose of it were declared or made known in any way.) “Accordingly” (the Bishop said) “the meeting of the pewholders on January 31st was premature, having been held *within* the one month allowed by the Act to the ‘continuing Trustees’ to call a meeting of pewholders.”

Neither the Bishop nor Mr. S. Kemp made any mention of the meeting said to have been held on January 18th, until March 29th last, by which time the period of two months, if dated from January 18th, allowed to the pewholders to call a meeting to elect Trustees, had elapsed. But we believe that the notification of resignation on the 17th December, 1861, was the day from which the legal resignation dates, and that the meeting held for election on January 31st following was in all respects in accordance with the Act, and that the election of Messrs. James Hannell and Mr. John Bingle, senr., was properly made, at which election Mr. S. Kemp took part and voted.

No. 23.

THE UNDER SECRETARY to BISHOP OF NEWCASTLE.

*Colonial Secretary's Office,
Sydney, 11 April, 1862.*

MY LORD,

With reference to my letter of the 3rd instant, enclosing the copy of a letter from Messrs. Bingle and Hannell, respecting the election of Trustees for Christ Church at Newcastle, I am directed by the Colonial Secretary to transmit a copy of a statement made by those gentlemen on the subject, which has since been forwarded by them, and to inform you that Mr. Cowper will be glad to receive your Lordship's remarks thereon before submitting the matter finally to the Attorney General for his opinion.

I have, &c.,

W. BLYARD.

No. 24.

MR. JAMES to THE UNDER SECRETARY.

Sydney, — April, 1862.

SIR,

I have the honor, by direction of the Bishop of Newcastle, to acknowledge the receipt of your letter of the 3rd instant, enclosing copy of a communication addressed to the Honorable the Chief Secretary by two gentlemen (Messrs. Bingle and Hannell) alleging themselves to have been duly elected as Trustees, Christ Church, Newcastle, on the 31st January last, and offering their protest against the assumed right of the Bishop to nominate other persons as Trustees.

His Lordship desires me to state, for the information of the Honorable the Chief Secretary, that the circumstances out of which this communication has arisen are briefly as follows:—

1. Two vacancies having been duly declared in the Trust referred to, by the acceptance of the resignations of former Trustees, it was competent for the continuing Trustees, under the provisions of the Act 8 William 4, No. 5, sec. 4, to proceed with certain forms for a new election.

2. In default of such proceeding it was competent for the parishioners to take action, in the manner prescribed by the said Act.

3. The parishioners, however, anticipated the date on which their authority would have taken effect, thereby superseding the rights of the Trustees, and on that ground alone it is manifest that the election was null and void, and could not therefore have conferred any legal rights or powers upon the then nominated Trustees.

4. Independently of this fatal objection, the Bishop (being also a Trustee) has been officially notified that other irregularities of a far graver character are opposed to the election, which his Lordship is advised was in every respect illegally conducted; and had the validity of the election rested only upon this issue, the Bishop was in possession of a protest from numerous qualified electors, which it would have been His Lordship's duty to have submitted for the consideration of His Excellency the Governor in Council.

5. As it is, the Bishop considers himself legally entitled to exercise the powers conferred upon him by the fifth clause of the Act, and purposes to nominate those gentlemen who would, in His Lordship's judgment, have been declared duly elected by the parishioners, supposing the election itself to have been legal and legally conducted.

6. His Lordship desires me to return herewith the Rev. Canon Fletcher's letter of 1st February, 1862, also extracts from his correspondence with Mr. Fletcher and Messrs. Bingle and Hannell, together with copy of the protest of certain pewholders, setting forth the grounds upon which the election of 31st January is held to have been illegal and the appointments to have lapsed to the Bishop.

I have, &c.,

H. KERRISON JAMES.

[Enclosure

[Enclosure in No. 24.]

Copy of Protest.

The Lord Bishop of Newcastle, Morpeth.

Newcastle, 15 February, 1862.

My Lord,

Whereas, at a vestry meeting of pewholders and renters of sittings in Christ Church, Newcastle, duly convened to elect two Trustees for the said church, to fill the vacancies caused by the resignation of A. W. Scott and G. Tully, the Rev. G. Fletcher, as chairman of such meeting, declared James Hannell and John Bingle to have been duly elected to fill the said vacancies: Now we, the undersigned pewholders and renters of sittings in the above church, hereby protest, and notify our intention to appeal against the validity of the said election, for the reasons hereunder:—

Firstly.—That the chairman aforesaid, being in illegal possession of the churchwardens' list of the pewholders and renters aforesaid, refused to produce the same, and substituted a list prepared by himself, to which list had been added the names of parties not entitled to vote at the above election, and who, in consequence of their names appearing on such substituted list, were admitted to vote as under:—

George Hickinbotham	2 votes
T. W. Knight	2 ..
T. F. Moray	2 ..
— Jervis	1 ..
— Biggs	1 ..

Secondly.—That the said chairman voted in right of the pew provided for the use of the clergyman's family, and therefore enrolled six (6) votes, the said pew being by Act of Council a free one, and consequently conferring no right to vote.

Thirdly.—That in consequence of the fourteen (14) votes illegally received as above stated, Messrs. C. B. Raneland and J. R. Bingle were improperly stated as being in a minority of four (4) and six (6) respectively, whereas we believe them to be the parties duly elected at such meeting.

We have the honor to be, &c.,

C. B. RANOLAUD.
C. BOLTON.
S. KEMP.
J. P. LUKE.
H. BOSWEL.
WM. GREAVES.

EXTRACTS from letter, dated 17th March, 1862, from the Bishop of Newcastle to the Reverend Canon Fletcher.

Mr. James has already informed you, I believe, that your letter to the Colonial Secretary of 1st February was sent to him for my consideration. It reached me on the 27th ultimo, and I have since been occupied in obtaining the best legal opinion upon many points connected with the late election of Trustees on 31st January, arising from your return of Mr. Hannell and Mr. Bingle as elected; and from a protest against their election forwarded to me by certain of the pewholders.

The first point upon which I sought legal advice was, the legality of your votes and of the votes of those who had had sittings lately allotted to them.

The opinion which I obtained declared that your votes and the votes of these supposed renters of sittings were illegal.

My next inquiry was respecting the mode in which your return of parties who were thus declared to be illegally elected could be rectified.

The opinion which I obtained recommends me to advise those who had protested against the return made by you to apply for remedy to the Supreme Court.

This opinion was accompanied by a suggestion that it would be desirable, before I advised the protesting parties to apply for remedy to the Supreme Court, to ascertain whether the meeting on 31st January, to elect Trustees, was in all respects in accordance with the Church Act, as this point would be minutely investigated when proceedings were commenced in the Supreme Court; and if the meeting on the 31st January was in any respect contrary to the Act it would be declared null and void, and the expense of such proceedings in the Supreme Court would have been incurred in vain.

This suggestion seemed so reasonable that I at once complied with it, and sent to my legal advisers, as correctly as possible, all the particulars connected with the meeting on 31st January, and the decided opinion of my legal advisers is, that the election at the meeting on 31st January is null and void.

In this opinion I concur.

I shall, therefore, as soon as I can find time, return your letter of 1st February with the protest to the Colonial Secretary, with a statement of the opinion of my legal advisers, and of my concurrence in that opinion—that the election on 31st January is null and void, and that the nomination has now lapsed to me.

EXTRACTS from a letter of the Bishop of Newcastle, dated 29th March, to Messrs. J. Bingle and J. Hannell, in reply to their letter of 26th March.

* * * * * The Church Act (Clause 5) is clear on the following points:—

1st. That after the legal resignation of a Trustee, one month is allowed the surviving Trustees to give public notice of a meeting to elect a new Trustee.

2ndly. If the surviving Trustees do not call such a meeting within one month after the legal resignation of a Trustee, then six pew renters may call a meeting.

3rdly. If no meeting be held within two months after the legal resignation, then the nomination lapses to the Bishop.

Now, Mr. Tully resigned his trusteeship (by letter) before Mr. A. Walker Scott, who sent in his resignation in writing, 16th August, 1861. If, therefore, nothing was required but their written resignation, then the nomination of the two new Trustees lapsed to me on the 16th October, 1861. But in clause 4 it is stated that no Trustee shall be permitted to resign his office until he shall duly have accounted, to the satisfaction of his Co-trustees, for all sums of money at any time received by him in his said trust. These words, my legal advisers have always informed me, made a written acceptance of the resignation of any Trustee by his Co-trustees necessary before the resignation could be considered complete and legal.

On 18 January, 1862, such an acceptance of the resignation of Mr. Tully and Mr. A. Walker Scott was signed by Mr. S. Kemp and myself, of which the following is a copy:—

Newcastle, 18 January, 1862.

"We, the undersigned, being the sole remaining Trustees at this time of Christ Church, Newcastle, do hereby declare that Alexander Walker Scott and George Tully, late Trustees, who have sent in their resignation of the said trust, are in no respect indebted to the trust, and that their resignation is therefore accepted by us,

"W. NEWCASTLE.
"SIMON KEMP."

My

My legal advisers having a copy of this paper before them, and being informed of these particulars respecting the meeting that it was held on 31st January—having been called not by trustees but by renters of sittings—have expressed an opinion, in which everyone must concur, that from 18 January to 18 February the Trustees only could call a meeting to elect new Trustees, and that consequently the meeting held on 31st January, called by six renters of sittings, is illegal, and therefore null and void.

If the meeting were not on these clear grounds illegal, and proceedings had to be taken in the Supreme Court, I should have returned to the Honorable the Colonial Secretary Mr. Canon Fletcher's letter of 1st February, with the protest, and with the recommendation that time should be allowed the parties protesting, to try their cause in the Supreme Court, before the Executive Council approved of the election of the parties returned by the reverend chairman of the meeting, without any mention of the protest.

But now, believing the meeting on 31st January to be altogether illegal, I shall return Mr. Canon Fletcher's letter, with a statement of my opinion that the election was illegal, with the grounds of such opinion; and I confidently believe the Executive Council will at once concur in this opinion, and approve of the two parties whom I shall nominate.

I may conclude by saying, that in any ordinary case I should nominate to these two vacant trusteeships Mr. C. B. Ranclaud and Mr. J. Hannell, as the persons who had the greatest number of votes of the majority and minority—the votes of the two parties in the parish being nearly equal. But to show my strong disapproval of the unscrupulous manner in which it has been attempted to carry this election, I feel it my duty to nominate those who, I believe, after discarding illegal votes, were really at the head of the poll, namely, Mr. C. B. Ranclaud and Mr. J. R. Bingle.

P.S.—Upon inquiry I find that no formal written protest was handed in at the time of election (31st January), but that both parties agreed that a cross should be placed against the names of all those parties whose votes were disputed, and that this mark should be considered a protest against such votes, which is quite equivalent to a formal written protest being handed in.

W. NC.

No. 25.

BISHOP OF NEWCASTLE to COLONIAL SECRETARY.

Morpeth, 19 May, 1862.

SIR,

My official duties during the last few weeks have been so incessant that I have been unable to reply earlier to your letter of the 11th ult., enclosing for my remarks a statement of Messrs. Bingle and Hannell.

Before the receipt of that letter I had instructed Mr. H. K. James to reply to your previous letter of the 2nd ult., and to forward with his reply—

1. The letter of the Reverend Canon Fletcher, stating to you the election of Messrs. Bingle and Hannell as Trustees of Christ Church, Newcastle;
2. A copy of the protest, by certain pewholders of that parish, against the validity of that election; and
3. Certain extracts from previous letters of mine to the Reverend Canon Fletcher and Messrs. Bingle and Hannell, respecting the same.

This reply of Mr. James', with the above-mentioned enclosures, not having been forwarded to you when I received your letter of the 11th, the former was detained for my further instructions. I have now requested that it may be transmitted to you, together with the enclosures, accompanied by the following remarks on the statement of Messrs. Bingle and Hannell, enclosed in your letter of the 11th April:—

1. Respecting the nomination by me of the Reverend Canon Fletcher, and the rescinding by the Executive Council of their approval of such nomination, it has been clearly explained to the parties interested that, until my signature to the official instrument was affixed, I considered it open to me to review and to withdraw that nomination, and that very sufficient reasons had induced me to do so; that when I had so decided, and found that by my direction the approval of the Governor and Executive Council had in the interim been applied for, I directed Mr. James to ask permission so to withdraw that application.

2. The statement of Messrs. Bingle and Hannell, when attempting to prove the meeting at which they were elected Trustees to be a legal meeting in accordance with the requirements of the Church Act is very incorrect, and signally fails to accomplish its object: it will indeed be found, upon examination, to refute itself.

3. Respecting my announcement of the vacant trusteeships at the meeting on 17th December, 1861, the statement is very incorrect. What really took place was this:—At the close of that meeting, after stating that I should now pause in completing the nomination of the Reverend Canon Fletcher until I received a satisfactory explanation from him of conduct which seemed to me fully to justify such hesitation on my part, and that Mr. S. Kemp and myself were now the only acting Trustees, I asked Mr. S. Kemp publicly before the meeting whether he was now willing to co-operate with me in appropriating the new seats in Christ Church on the conciliatory and equitable principles which I had previously laid down, but which the Reverend Canon Fletcher had in my absence attempted to supersede. Mr. Kemp replied that he was now quite willing to act with me as I proposed. I then announced to the meeting that Mr. Kemp and myself, the two existing Trustees, would at once proceed so to appropriate the new seats. Upon this Mr. Hannell rose, and saying that he and those who acted with him had lost all confidence in the impartiality of Mr. S. Kemp in this matter, asked me to be so kind as to pause in making such appropriation until I had come to a decision respecting Mr. Canon Fletcher's nomination to the trusteeship. To this I replied, I was most anxious the parishioners should be satisfied as to the impartiality exercised in appropriating the seats, and therefore, though I declined to pause (from reasons which had not any reference to Mr. Canon Fletcher's nomination), I was willing to delay the proposed

proposed appropriation until the parishioners had elected two new Trustees in the place of Messrs. Scott and Tully, who had sent in their resignations to me. With this answer Mr. Hannell expressed himself quite satisfied; and this was all that passed—Mr. S. Kemp, the other continuing Trustee, not saying a word on the subject; so that not a syllable was uttered at this meeting by either of the existing Trustees as to their *acceptance* of the resignation of either Mr. A. Walker Scott or Mr. Tully.

4. The statement of Messrs. Bingle and Hannell asserts that the parishioners considered the above observation to be a formal, public, or official notification by the continuing Trustees that the resignations of Messrs. Scott and Tully were complete; that the pewholders thereupon "waited *one month*" from the aforesaid date of the assumed vacancies, as the Church Act requires, and then by public advertisement, called a meeting to elect Trustees, of which advertisement a copy is given. It will, however, be observed that the date of this alleged official announcement was the 17th December, 1861, and that the date of the advertisement is 10th January, 1862, which dates so pointedly contradict the assertion that they waited the one month required by law, as to lead to the supposition that they acted at the time in ignorance of the requirements of the Church Act, carelessly considering my proposal at the meeting on 17th December (to delay the appropriation of the new sittings in the Cathedral until the parishioners had elected two new Trustees) as a kind of general intimation that they might proceed to such election when and how they pleased.

5. The meeting on 17th December took place at half-past seven o'clock p.m. It was late before it was over, and I was obliged to leave Newcastle by the early train next morning at half-past six o'clock. There was therefore no time during that visit to hold a meeting with the other continuing Trustee, Mr. S. Kemp, in order formally to accept the resignation of the retiring Trustees; but the next time I visited Newcastle, viz., on 18th January, I made a point of seeing Mr. S. Kemp, and drew up with him the formal acceptance, which we both signed.

6. The statement of Messrs. Bingle and Hannell asserts that this formal acceptance "was carefully kept secret" from the pewholders, insinuating that there was some desire on my part to keep the pewholders in ignorance of it, that their meeting might necessarily be illegal.

This I deny, and can prove to be untrue; for when the protest against the election of Messrs. Bingle and Hannell was forwarded to me, and I consulted my legal advisers on the subject, their first advice was to consider carefully all the details of the election, and see whether that election was in all respects in accordance with the Church Act. This advice I overruled, and replied that I did not wish to question the legality of the meeting, but simply required their advice as to the validity of the objections urged in the protest.

I have not retained a copy of this letter, but I have before me the reply to it, dated 22nd February, 1862, containing these words, "I cannot help fearing that the meeting is void *ab initio*, but if your Lordship is still disposed to uphold the legality of the meeting, "&c., &c."

It is thus shown that twenty-two days after the election had taken place I had no wish or intention to question the legality of the meeting itself; when, however, subsequently my legal advisers informed me that the objections urged in the protest must, if prosecuted, be tried not by me, nor by the Executive Council, but in the Supreme Court, where (I quote their words) "of course the legality or illegality of the forms of proceeding would be canvassed and determined"—I then (as mentioned in the extract from my letter to the Reverend Canon Fletcher) sent to my legal advisers, as correctly as possible, all the particulars connected with the meeting of 31st January, and their decided opinion was that the meeting was not convened or conducted in accordance with the provisions of the Church Act, and that the election would therefore be held to be null and void, in which opinion (for the reasons stated in the extracts from my letter to Messrs. Bingle and Hannell) I could not but concur.

8 Wm. 4, No. 5,
sec. 4 and 6.

As you inform me that these remarks are desired with the view to submitting the subject for the consideration of the Hon. the Attorney General, I shall be happy at your earliest convenience to be favoured with information of the result.

I have, &c.,
W. NEWCASTLE.

No. 26.

MESSRS. HANNELL AND BINGLE to COLONIAL SECRETARY.

Newcastle, 26 May, 1862.

SIR,

We are informed that a protest has been forwarded to you by the Lord Bishop of Newcastle, for the purpose of influencing His Excellency the Governor and the Executive Council not to approve of us as duly elected Trustees of Christ Church, Newcastle; and as a copy of a paper purporting to be such protest was handed to us on the 23rd instant, it behoves us to contradict some of the statements therein contained, in order that the erroneous statement laid before His Excellency and the Council may not make any false impressions.

Our election was made on the 31st January of this year; no protest was then or at any subsequent time handed to the chairman of the meeting or to ourselves. The paper purporting to be a copy of the protest against the validity of our election is dated February 15th—more than a fortnight after our election.

It

It is signed by *six only* out of fifty-one pewholders and renters of sittings who took part in the election. Among the signatures we observe that of Mr. Simon Kemp, a Trustee of our Church, and the protest which he has signed declares that the "vestry meeting (held for the election of the two Trustees) was duly convened."

The chairman (Revd. Canon Fletcher) was not "in illegal possession of the churchwardens' list of the pewholders," as stated in the protest; nor did he substitute for it any other list. He did not conduct the polling at the election, but scrutineers appointed by the vestry, with the sanction of all the candidates, recorded the votes, and then reported to the chairman that ourselves had the majority of votes.

A part (not all) of the votes objected to in the protest were polled in our favour. All the votes polled for us we believe were legal votes, and were polled by actual pewholders and renters of sittings. Some of the votes polled for the other candidates were at the time objected to, and such votes, either wholly or in part, we believe were illegally tendered.

The Lord Bishop of Newcastle had, previously to the day of election, declared that the pew of the Minister was not a free pew. Of the number of votes which were polled in our favour only ten were objected to at the election; but of the votes polled for Messrs. Ranclaud and J. R. Bingle fifteen were objected to, so that if all votes objected to had been rejected we should have been in a larger majority than appeared on the polling paper handed to the chairman by the scrutineers.

We have, &c.,

JAMES HANNELL.
JOHN BINGLE.

No. 27.

MESSRS. HANNELL AND BINGLE to COLONIAL SECRETARY.

Newcastle, 26 May, 1862.

SIR,

The Revd. Canon Fletcher has received from the Secretary of the Lord Bishop of Newcastle a letter, dated "Sydney, — April, 1862," but stated by His Lordship's Secretary to have been forwarded to you on the 21st instant.

Mr. Fletcher has laid the said copy before us. This letter professes to set forth "the circumstances out of which this communication has arisen"; and we deeply regret that we are bound to contradict that statement, as incorrect—very important particulars having been omitted; and although we have already submitted to you, for the guidance of His Excellency the Governor and the Executive Council, some account of the circumstances, yet we deem the matter to be one which involves principles so important to the whole community, that we shall be pardoned if we further trespass on your time, by submitting to you the following particulars in correction of the Bishop's statement:—

Previous to December 17, 1861, the Bishop, acting as Trustee of Christ Church, had declared that there were two vacancies in the trust; and on December 17, had convened a meeting of the pewholders and renters of sittings, at which meeting His Lordship publicly declared that Messrs. Scott and Tully had resigned, and that it was the duty of the pewholders forthwith to proceed to the election of two other gentlemen to fill the vacancies thus created. Mr. Simon Kemp, the other acting Trustee, being present, assented. The Trustees did not convene any meeting of pewholders, which they were privileged to do, within a month, under the provisions of the Act 8 William 4th, No. 5, sec. 4, for the purpose of an election; but on their neglecting so to provide for the election, six of the pewholders, under the provision of the Act 8 Will. 4, No. 5, sec. 5, called a meeting of pewholders, which was held on the 31st day of January, 1862, for the purpose of the said election of two Trustees, which meeting Mr. Simon Kemp (a continuing Trustee) has declared was "duly convened." On what ground, then, can the Bishop assert (as in the letter of His Lordship's Secretary herein above referred to) that "the parishioners have superseded the right of the Trustees, and that the election of Messrs. Hannell and J. Bingle on January 31st is null and void"? The Bishop omits this important particular, which we beg now to supply, *in the words of the Bishop*, addressed to us by letter, dated March 20 last:—"On January 18th an acceptance of the resignation of Mr. Tully and Mr. A. Walker Scott was signed by Mr. Kemp and myself. That from January 18th to February 18th the Trustees only could call a meeting to elect new Trustees, and that consequently the meeting held on January 31st, called by six renters of sittings, is illegal, and therefore null and void." These are the words of the Bishop, and these the grounds on which the Bishop declares our election void, and claims to nominate the two candidates who were in a minority on the day of election. On these grounds the statement made by the Bishop, and assented to by Mr. Simon Kemp, previous to December 17th, 1861, and repeated at a public meeting of pewholders on that day, is supposed to go for nothing; and a subsequent meeting of the Bishop and Mr. Simon Kemp, on January 18th, which was strictly private, and kept secret from the pewholders (who had not the least intimation that such a meeting either was intended or had been held), is to be taken as the commencement of the several periods required by the Act. We beg to quote the written opinion of an eminent Queen's Counsel of Sydney, on this part of the case:—"I am clearly of opinion that the Bishop and Mr. Kemp had no power after their announcement of the vacancies on the 17th December, to consider the offices filled, and consent to the resignation at a future time—such a proceeding the Court would not tolerate for a moment." In the

the aforesaid letter it is stated that the Bishop is a Trustee; this we deny, and the Bishop has been served with notices to restrain him from acting as Trustee. On this point the opinion of the learned barrister above referred to is thus stated:—"I do not think that the Bishop of Newcastle is a Trustee of the Church in question." The aforesaid letter goes on to state other grounds upon which it is attempted to set aside our election. With reference to statement in that part of the letter we observe,—

- 1st. That the presumed protest (which we have never seen) is said to have been signed by only six pewholders, and therefore the statement that it was "numerously" signed, is incorrect.
- 2nd. That Mr. Simon Kemp (a Trustee) and the other five pewholders signing the protest, declared the meeting to have been "duly convened."
- 3rd. That the meeting and the election were both legal and legally conducted. That all the votes polled in our favour were legal, and that our election was valid.

We deny that on any grounds the Bishop can claim to nominate two Trustees, and we again beg most respectfully to submit that we have been duly elected to fill the office of Trustees of Christ Church, Newcastle, and we humbly solicit the approval of His Excellency the Governor and the Executive Council to confirm our appointment.

We have, &c.,

JAMES HANNELL, M.L.A.,
Mayor of Newcastle.

JOHN BINGLE, J.P.

No. 28.

THE UNDER SECRETARY to SECRETARY TO CROWN LAW OFFICERS.

*Colonial Secretary's Office,
Sydney, 2 June, 1862.*

Sir,

With reference to the opinion of the Attorney General forwarded to this office on the 25th February, respecting the cancellation of the appointment of the Revd. Mr. Fletcher as Trustee of the Church at Newcastle, and the appointment of Mr. Hudson, I am directed by the Colonial Secretary to transmit to you a letter from the Bishop of Newcastle, dated the 19th ultimo, on the subject, and also respecting the alleged election of Messrs. Bingle and Hannell to be Trustees in the room of Messrs. Scott and Tully, together with a letter from Mr. H. K. James, of April, received at the same time.

2. It appears that there are two points for consideration;—
 - (1.) Whether the nomination of the Revd. Mr. Fletcher, as Trustee in the room of the Revd. Mr. Wilton was, under the circumstances stated by the Bishop, open to be cancelled, and whether the nomination subsequently by His Lordship, and confirmation by the Executive Council, of Mr. Hudson instead, is according to law?
 - (2.) Whether the election of Trustees in the room of Messrs. Scott and Tully is or is not invalid; and whether, if the former, the nomination or appointment subject to the approval of the Executive Council rests with the Bishop?
3. I am further desired to enclose two letters which have been addressed to the Colonial Secretary by Messrs. Hannell and Bingle, in opposition to the representations made by the Bishop.

I have, &c.,
W. ELYARD.

No. 29.

THE UNDER SECRETARY to MESSRS. HANNELL AND BINGLE.

*Colonial Secretary's Office,
Sydney, 4 June, 1862.*

GENTLEMEN,

I am directed by the Colonial Secretary to inform you, with reference to your letter of the 26th ultimo, that the questions raised in the case of the election of Trustees for the Church at Newcastle have been submitted for the opinion of the Attorney General.

I have, &c.,
W. ELYARD.

No. 30.

OPINION OF ATTORNEY GENERAL.

I HAVE carefully perused the papers herewith returned, and am of opinion that, in strict law, the nomination of the Rev. Mr. Fletcher as Trustee in the room of the Rev. Mr. Wilton was, under the circumstances stated by the Bishop of Newcastle, open to be cancelled, and that the subsequent nomination of Mr. Hudson was according to law.

I am also of opinion that the election of Messrs. Hannell and Bingle as Trustees in the room of Messrs. Scott and Tully was invalid in law. Every candidate at an election of this kind must remember that as the law gives a conditional right of nomination to another party, on the failure of certain prescribed formalities, the law expects that the parties claiming under those formalities should take upon themselves the whole risk of such preceding conditions. Even if Messrs. H. and B. were, as they say, "lulled into security" by the conduct of the Bishop, still the legal maxim "De vigilantibus non dormientibus curat lex" applies to all such cases as this; and upon a review of all the circumstances and correspondence, there is a strong impression upon my mind that conclusively to establish in any Court of Law or Equity the validity of the election of Messrs. H. and B. would be a very hazardous experiment.

There is not the slightest reason to suppose that Messrs. Hannell and Bingle have during any part of these most unfortunate contests acted otherwise than with the most perfect fairness, so far as I can understand the facts of the case; but it is equally clear that any continuation of these disputes must be productive of the greatest mischief to their religious community.

My duty, however, is not to advise them as to their own course of proceeding, but merely to state to the Honorable the Colonial Secretary my view of the legal position of the parties, upon the facts stated in these papers.

B.C., *June 6th*, 1862.—W. E. P.

JOHN F. HARGRAVE,
Attorney General.

No. 31.

THE UNDER SECRETARY to BISHOP OF NEWCASTLE.

*Colonial Secretary's Office,
Sydney, 17 June, 1862.*

MY LORD,

With reference to my letter of the 11th of April, in which your Lordship was apprised of the intention of the Government to submit the question respecting the Trustees of Christ Church, Newcastle, to the Attorney General, I am now directed by the Colonial Secretary to inform you, that it is considered by that officer that the nomination of the Rev. J. Fletcher as Trustee in the room of the Rev. Mr. Wilton was in strict law open to be cancelled, and that the subsequent nomination of Mr. Hudson was in accordance with law. Mr. Hargrave is also of opinion that the election of Messrs. Hannell and Bingle as Trustees in the room of Messrs. Scott and Tully was invalid in law.

I have, &c.,
W. ELYARD.

No. 32.

THE UNDER SECRETARY to MESSRS. BINGLE AND HANNELL.

*Colonial Secretary's Office,
Sydney, 17 June, 1862.*

GENTLEMEN,

With reference to my letter of the 4th instant, apprising you that the questions in reference to Trustees for Christ Church, Newcastle, had been submitted for the opinion of the Attorney General, I am directed by the Colonial Secretary to inform you, that it is considered by that officer that, in strict law, the nomination of the Reverend Mr. Fletcher as Trustee in the room of the Reverend Mr. Wilton was open to be cancelled, and that the subsequent nomination of Mr. Hudson, by the Bishop of Newcastle, was in accordance with law. Mr. Hargrave is also of opinion that the election of yourselves as Trustees in the room of Messrs. Scott and Tully was invalid in law.

I have, &c.,
W. ELYARD.

No. 33.

MR. JAMES to THE UNDER SECRETARY.

Sydney, 28 June, 1862.

SIR,

I have the honor, by direction of the Bishop of Newcastle, to state, for the information of the Honorable the Chief Secretary, that His Lordship has duly executed a nomination in writing under his Episcopal Seal (bearing date the 18th instant) appointing Captain Charles Bolton, and Charles Boscawen Ranclaud, Esquire, to be Trustees of the Church,

Church, Parsonage, Glebe, and Burial Ground at Newcastle, in the room of the Honorable Alexander Walker Scott, Esquire, and Mr. George Tully, resigned, in accordance with the provisions of the Act 8 William 4, No. 5, sec. 5, and respectfully to request that these appointments may be approved by His Excellency the Governor and Executive Council.

I have, &c.,

H. KERRISON JAMES.

No. 34.

MESSRS. HANNELL AND BINGLE to COLONIAL SECRETARY.

Newcastle, 5 July, 1862.

SIR,

We beg most respectfully to request that any action with reference to the appointment of Trustees of Christ Church, Newcastle, by His Excellency the Governor and Executive Council, may for the present be suspended.

Our reason for urging this request is, that a rule of *quo warranto* was yesterday granted by a full Court against the Lord Bishop of Newcastle, as Trustee of the said Church; and we are convinced that the provisions of the law have been disregarded in the matter of this trust. Whilst, therefore, the matter is *sub judice*, we beg that His Excellency the Governor and the Executive Council will be graciously pleased to withhold their approval of any persons recommended by the said Bishop as Trustees of the said Church, until the whole matter has been examined by the Supreme Court.

We have, &c.,

JAMES HANNELL.
JOHN BINGLE.

No. 35.

Minute 62-24. 14 July, 1862.

At the instance of the Lord Bishop of Newcastle, and upon the recommendation of the Honorable the Colonial Secretary, the Executive Council advise that the necessary steps be taken for vesting the Trusteeship of the Church, Parsonage, Glebe, and Burial Ground at Newcastle, in Captain Charles Bolton, and Charles Boscawen Rauclaud, Esquire, in the room of the Honorable A. W. Scott, Esquire, and Mr. George Tully, resigned.

CHAS. COWPER, JUNR.,

Clerk of the Council.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

NEWCASTLE CHURCH LAND SALE BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

29 *August*, 1862.

SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER, PHILLIP-STREET.

1862.

1862.

EXTRACTS FROM THE VOTES AND PROCEEDINGS
OF THE LEGISLATIVE ASSEMBLY.

VOTES, NO. 41. TUESDAY, 5 AUGUST, 1862.

18. Newcastle Church Land Sale Bill :—Mr. Faucett moved, pursuant to notice,—
- (1.) That the Bill “ to enable the Most Reverend John Bede Polding, the Right Reverend Henry Gregory Gregory, and the Very Reverend John Thomas Lynch, as Trustees of certain land situate in the City of Newcastle, to sell the said land, and “ to provide for the appropriation of the proceeds thereof,” be referred to a Select Committee for consideration and report.
- (2.) That such Committee consist of the following Members, viz. :—Mr. Hart, Mr. Egan, Mr. R. Forster, Mr. Suttor, Mr. Lackey, and the Mover.
- And Mr. Dalgleish demanding that the said Committee be appointed by Ballot,—
- Question,—(1.) That the Bill “ to enable the Most Reverend John Bede Polding, “ the Right Reverend Henry Gregory Gregory, and the Very Reverend John Thomas “ Lynch, as Trustees of certain land situate in the City of Newcastle, to sell the said “ land, and to provide for the appropriation of the proceeds thereof,” be referred to a Select Committee for consideration and report,—put and passed.
- Whereupon, the House proceeded to the Ballot, and the Speaker declared the following Members to be the Committee duly appointed :—Mr. Faucett, Mr. Suttor, Mr. Egan, Mr. Hart, Mr. Lackey, and Mr. R. Forster.

VOTES, NO. 56. FRIDAY, 29 AUGUST, 1862.

24. Newcastle Church Land Sale Bill :—Mr. Faucett, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee on the said Bill.
- Ordered to be printed.
- * * * * *

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1862.

NEWCASTLE CHURCH LAND SALE BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, to whom was referred, on the 5th August, the "*Newcastle Church Land Sale Bill*," beg leave to report to your Honorable House,—

* Mr. E. G. Ellis.

† Very Rev. J. T. Lynch.

That they have examined the Solicitor for the Bill*, and the other Witness† named in the margin (whose respective evidence will be found appended hereto), and that, the preamble having been proved to the satisfaction of your Committee, they proceeded with the enacting part of the Bill, and made the amendments shewn in the accompanying Schedule.‡

‡ Vide page 4.

And your Committee now beg to lay before your Honorable House the Bill, as amended by them.

P. FAUCETT,
Chairman.

Legislative Assembly Chamber,
Sydney, 22 August, 1862.

PROCEEDINGS OF THE COMMITTEE.

FRIDAY, 22 AUGUST, 1862.

MEMBERS PRESENT:—

Mr. Faucett, | Mr. Hart,
 | Mr. Egan.

Mr. Faucett called to the Chair:

Copies of the Newcastle Church Land Sale Bill—before the Committee.

By direction of the Chairman, Order of the House referring the Bill, read by the Clerk.

Solicitor for the Bill—Mr. E. G. Ellis.

Mr. E. G. Ellis, *Solicitor*, examined.

Deed of Grant referred to in the Preamble produced by witness.

Very Reverend J. T. Lynch examined.

Committee then proceeded to consider the Preamble of the Bill.

Motion made (*Chairman*) and *Question*,—That this Preamble stand part of the Bill
—*agreed to.*

Clauses 1 and 2 severally read, amended and agreed to (*Vide Schedule.*)

Chairman submitted Draft Report.

The same read, and on motion of Mr. Hart, *agreed to.*

Chairman requested to report the Bill, as amended, to the House.

SCHEDULE OF AMENDMENTS.

- Page 2, clause 1, line 30. *Omit "from"*
 Page 2, clause 1, line 34. *Before "remaining" insert "said"*
 Page 2, clause 1, line 34. *Before "land" omit "said"*
 Page 2, clause 1, line 39. *Omit "thereof"*
 Page 3, clause 2, lines 13 and 14. *Omit "maintenance or enlargement"; insert "erection."*
 Page 3, clause 2, line 14. *Omit "the present," insert "a"*
 Page 3, clause 2, lines 14 and 15. *Omit "in the said City of Newcastle"; insert "upon
 the land to be purchased as aforesaid."*

LIST OF WITNESSES.

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1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

NEWCASTLE CHURCH LAND SALE BILL.

FRIDAY, 22 AUGUST, 1862.

Present:—

MR. EGAN, | MR. FAUCETT,
MR. HART.

PETER FAUCETT, ESQ., IN THE CHAIR.

Eyre Goulburn Ellis, Esq., examined:—

1. *By the Chairman:* You are the Solicitor for the promoters of the Bill before the Committee? I am. Eyre G. Ellis,
Esq.
2. Do you produce the Deed of Grant mentioned in the Bill, bearing date 2nd August, 1858? I do. *(The witness produced the same.)* 22 Aug., 1862.
3. Have you read that grant? Yes.
4. Is it a grant of the property, described in the preamble of the Bill, to "The Most Reverend John Bede Polding, the Right Reverend Henry Gregory Gregory, and the Very Reverend John Thomas Lynch"? Yes.
5. "Being respectively trustees nominated and appointed under and by virtue of an Act of the Governor and Legislative Council of New South Wales"? Yes.
6. Were those trustees appointed under the Act? I assume so from the recital in the grant—those are the words of the grant.
7. This grant comprises the land mentioned in the preamble? Firstly described in the preamble.
8. Is there more than one allotment described in this? Only one grant.
9. It is described in the grant, I suppose, as it is described in the preamble? Yes.
10. There is a statement that a portion of this land, described in the preamble from the 8th line of the 2nd page to the 17th line, has been set out and appropriated and taken for railway purposes? Yes.
11. Do you know whether that is the case? It is the case.
12. That portion, so described, has been appropriated? It has been appropriated by the Commissioner for railway purposes.
13. Do you know whether the effect of that has been to render the remaining portion of the land unsuitable for the purposes declared in the grant? That is my own opinion, from having seen the site, and I am so instructed by the Archbishop. Dean Lynch will also be able to speak to that.
14. Then you say, "it is expedient that the remaining portion should be sold"? Yes.
15. "And that the proceeds to arise from such sale should be applied," as described in the preamble, towards the purchase of another piece of land in Newcastle? Towards the purchase of another piece of land, as a site for the erection of a Roman Catholic Church, and for the purposes mentioned in the second section of the Act.

The Very Reverend John Thomas Lynch called in and examined:—

- The Very Rev. J. T. Lynch.
22 Aug., 1862.
16. *By Mr. Ellis*: You are Dean of Maitland? Yes.
17. You are one of the trustees of the land referred to in this Bill now before the Committee? Yes.
18. Are you aware of a portion of that land having been appropriated for railway purposes? Yes.
19. Do you consider that by that appropriation the remainder of it has been rendered unsuitable for the purposes for which it was originally granted? I do.
20. Do you consider it desirable that that remainder should be sold, and the proceeds applied towards the purchase of another piece of land in the City of Newcastle upon the same trust? I do, upon the same trust.
21. That is also the desire of His Grace the Archbishop? I may say it is, and also of the Abbot, Dr. Gregory, who is absent, and myself, who are the trustees.
22. *By the Chairman*: Would you be good enough to state in what way has the remaining portion of the land been rendered unsuitable for the purposes of the grant? In the first place the portion that remains would be too small, and again, owing to various causes, but particularly to its having become a great thoroughfare, there is a great deal of noise and confusion from the passing and repassing of carriages on the railway, which make it very unsuitable for the erection of a church.
23. Is the form of the land that remains unsuitable? I think so; but the principal objection is the one I have stated.
24. What is the extent of the grant? The extent of the grant is one rood seventeen perches, more or less, of which fourteen perches have been taken.
25. Your first objection is that the remaining piece of ground is too small, and your second that the place having become a great thoroughfare there is a great deal of noise, and the site has become totally unsuitable for the purposes granted? I think so.
26. *By Mr. Hart*: Have you any idea as to the value of the remaining portion of land? I am not prepared to form any idea. We received £500 from the Railway, which has been paid into Court to the credit of the trustees and the Commissioner for Railways, to remain there until applied to the purposes of the trust by order of the Court.
27. *By the Chairman*: You cannot form any idea of the value of the remaining portion? No, I cannot just now. I have not asked lately what would be likely to be realized from it; indeed, it is not a time to sell.
28. *By Mr. Hart*: Do you deem it desirable that any surplus arising from the sale of this land should be applied towards the maintenance or enlargement of the present Roman Catholic Church in the City of Newcastle, instead of building upon any site which may be hereafter bought with any portion of the moneys? I am rather inclined to think that we should build upon the site which may be purchased, if we have the means. I objected to the word "present" at the time the Bill was drawn.
29. Have you any objection to the Bill being altered accordingly? No, I have not.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

EXCHANGE OF LAND.

(SCOTS CHURCH, JAMISON STREET.)

Received by the Legislative Assembly, 4 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of the undersigned Elders and Committee of Management of the Scots Church, Sydney,—

HUMBLY SHEWETH :—

That in the year 1831, it was agreed by the Trustees of the Scots Church and the late Sir John Jamison to form a street, since called Jamison-street, through their respective allotments in the City of Sydney, for the benefit and improvement of both properties.

That in carrying out this arrangement, it was found expedient and necessary, with a view to square the lines of these properties, that a small triangular portion of the allotment of the Scots Church, lying on the south side of Jamison-street, should be exchanged for a similar triangular portion of the allotment of Sir John Jamison.

That this exchange was accordingly effected, with the sanction and concurrence of all parties concerned; but as the allotment of the Scots Church was under Trusteeship appointed by the Crown, it was required to be legalized by an Act of the Legislature.

That no such Act having hitherto been passed, your Petitioners are precluded by the uncertainty of the title from making such use of the property as the interests of the congregation require.

Your Petitioners therefore humbly pray, that your Honorable House will be pleased to pass an Act legalizing the exchange of the triangular portions of the two allotments referred to.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 12 Signatures.]

Sydney, June, 1862.

17. 11.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

EXCHANGE OF LAND, SCOTS CHURCH, JAMISON-ST.,
LEGALIZING BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDIX.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
14 *November*, 1862.

SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER, PHILIP-STREET.

1862.

[*Price*, 1s. 6d.]

595—a

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1862.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF
THE LEGISLATIVE ASSEMBLY.

VOTES, No. 45. TUESDAY, 12 AUGUST, 1862.

23. Exchange of Land, Scots Church, Jamison-street, legalizing Bill:—Dr. Lang moved, pursuant to notice,—
- (1.) That the Bill to legalize the exchange of a certain piece of land in connection with the Scots Church, in Jamison-street, Sydney, be referred to a select Committee for consideration and report.
- (2.) That such Committee consist of the following Members, viz.:—Mr. Bell, Mr. Dalgleish, Mr. Robertson, Mr. Stewart, "Mr. Sutherland," and the Mover.
- Motion made by Mr. W. Forster, and Question,—That the Question be amended in Section (2), by the insertion, after the word "Sutherland," of the words, "Mr. Hoskins, Mr. Mate, Mr. Piddington, Mr. Sadleir,"—put and passed.
- Whereupon, Question,—
- (1.) That the Bill to legalize the exchange of a certain piece of Land in connection with the Scots Church, in Jamison-street, Sydney, be referred to a Select Committee for consideration and report.
- (2.) That such Committee consist of the following Members, viz.:—Mr. Bell, Mr. Dalgleish, Mr. Robertson, Mr. Stewart, Mr. Sutherland, Mr. Hoskins, Mr. Mate, Mr. Piddington, Mr. Sadleir, and the Mover,—put and passed.

VOTES, No. 54. WEDNESDAY, 27 AUGUST, 1862.

6. Member of Legislative Council as Witness:—Dr. Lang moved, That the following Message be carried to the Legislative Council:—

MR. PRESIDENT,

The Legislative Assembly having appointed a Select Committee "to consider and report upon the Bill to legalize the exchange of a certain piece of Land in connection with the Scots Church, in Jamison-street, Sydney," and that Committee being desirous to examine the Honorable John Fletcher Hargrave, Esquire, Member of the Legislative Council, in reference thereto, requests that the Legislative Council will give leave to its said Member to attend accordingly, on such day and days as shall be arranged between him and the said Committee.

*Legislative Assembly Chamber,
Sydney, 27th August, 1862.*

Speaker.

Question put and passed.

VOTES, No. 55. THURSDAY, 28 AUGUST, 1862.

- I. * * * * *
Member of Legislative Council as Witness:—The Speaker reported that the following Message had been received, yesterday, from the Legislative Council:—

MR. SPEAKER,

In answer to the Message from the Legislative Assembly, dated the 27th August, requesting leave for the Honorable John Fletcher Hargrave, a Member of the Legislative Council, to attend and be examined before a Select Committee of the Legislative Assembly appointed "to consider and report upon the Bill to legalize the exchange of a certain piece of Land in connection with the Scots Church, in Jamison-street, Sydney," the Council acquaints the Assembly that leave has been granted to its said Member to attend and be examined by the said Committee, if he think fit.

*Legislative Council Chamber,
Sydney, 27 August, 1862.*

W. C. WENTWORTH,
President.

VOTES,

VOTES, No. 61. TUESDAY, 9 SEPTEMBER, 1862.

18. Exchange of Land, Scots Church, Jamison-street—Re-erection of Church Tower :—
 Dr. Lang moved, pursuant to notice, That the Select Committee appointed to report upon the proposed exchange of certain portions of ground in Jamison-street, be authorized to take into consideration the propriety of adding to the Bill, on this subject, a Clause enabling the Office-bearers of the Scots Church to re-erect the Tower on its present foundation.
 Debate ensued.
 Question put and passed.

VOTES, No. 100. FRIDAY, 14 NOVEMBER, 1862.

4. Exchange of Land, Scots Church, Jamison-street, Legalizing Bill :—Dr. Lang, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee to whom this Bill was referred on 12th August last, together with Appendix.
 Ordered to be printed.

* * * * *

1862.

EXCHANGE OF LAND, SCOTS CHURCH, JAMISON-STREET,
LEGALIZING BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on the 12th August last, the "*Bill to legalize the exchange of a certain piece of Land in connection with the Scots Church in Jamison-street, Sydney,*" and who were authorized, on the 9th September last, "*to take into consideration the propriety of adding to the Bill, on this subject, a Clause enabling the Office-bearers of the Scots Church to re-erect the Tower on its present foundation,*"—beg leave to report to your Honorable House,—

That they have examined several witnesses (whose evidence will be found appended hereto), and that the Preamble, as verbally and otherwise amended,* consistently with the Order of Leave and special authority above referred to, having been satisfactorily proved to your Committee, they proceeded to consider the enacting part of the Bill, in which it was deemed expedient to make certain amendments,† to add two new Clauses† and a Schedule,† and † Vide Schedule of Amendment. to amend the Title.†

And your Committee now beg to lay before your Honorable House the Bill as amended by them, with the Title altered to meet the circumstances of the case, so as to read thus :—“ A Bill to legalize the exchange of a portion of the allotment of the Scots Church Sydney and to authorize the re-erection of the Tower of the said Church on its present foundation.”

JOHN DUNMORE LANG, D.D.,
Chairman.

Legislative Assembly Chamber,
Sydney, 14 November, 1862.

PROCEEDINGS OF THE COMMITTEE.

 THURSDAY, 21 AUGUST, 1862.

MEMBERS PRESENT:—

Dr. Lang,		Mr. Piddington,
Mr. Sadleir,		Mr. Stewart,
	Mr. Hoskins.	

Dr. Lang called to the Chair.

Copies of the "Exchange of Land, Scots' Church, Jamison-street, Legalizing Bill,"—
before the Committee.

Present for the Promoters:—Mr. George Brown.

The Chairman wishing to make a statement to the Committee by way of evidence,
Chair vacated by Dr. Lang, and taken by Mr. Piddington *pro. tem.*

Rev. Dr. Lang (a Member of the Committee) examined in his place.

His examination being concluded, Dr. Lang resumed the Chair.

Petition for leave to introduce the Bill, read.

Mr. George Brown examined.

Strangers withdrew.

Committee deliberated, and, on motion of Mr. Piddington, *It was Resolved*,—That Mr. Cowper, *Colonial Secretary*, be summoned to attend as a witness on
Wednesday next.[Adjourned to Wednesday next, at *Twelve o'clock.*]

 WEDNESDAY, 27 AUGUST, 1862.

MEMBERS PRESENT:—

Dr. Lang in the Chair.

Mr. Piddington,		Mr. Bell,
Mr. Sadleir,		Mr. Mate,
	Mr. Stewart.	

The Honorable C. Cowper, M.P., *Colonial Secretary*, examined.

Committee deliberated.

Ordered, That the usual Message be transmitted to the Legislative Council requesting
leave for the attendance of the Attorney General, The Honorable J. F. Hargrave, M.L.C.[Adjourned to Wednesday next, at *Eleven o'clock.*]

 WEDNESDAY, 3 SEPTEMBER, 1862.

MEMBERS PRESENT:—

Dr. Lang in the Chair.

Mr. Piddington,		Mr. Sutherland,
Mr. Stewart,		Mr. Hoskins.

The Honorable J. F. Hargrave, M.L.C., *Attorney General*, attending by permission of
the Legislative Council, examined.

Witness withdrew.

Committee deliberated as to their power of adding to the Bill a clause enabling the
Office-bearers of the Scots Church to re-erect the Tower on its present foundation—when it
was deemed advisable that the Chairman move the House for leave to take into consideration
the propriety of embodying such additional clause in the Bill.[Adjourned to Wednesday next, at *Eleven o'clock.*]

 WEDNESDAY,

WEDNESDAY, 10 SEPTEMBER, 1862.

MEMBERS PRESENT:—

Dr. Lang in the Chair.

Mr. Sadleir, | Mr. Mate.
Mr. Piddington.

Resolution of the House authorizing the Committee to take into consideration the propriety of adding to the Bill a Clause enabling the Office-bearers of the Scots Church to re-erect the Tower on its present foundation—*read*.

Mr. W. Elyard, *Principal Under Secretary*, called in and examined.

Certain Correspondence to be supplied by witness. (*Vide List of Appendix*.)

Witness withdrew.

[Adjourned to Wednesday next, at *Eleven* o'clock.]

WEDNESDAY, 17 SEPTEMBER, 1862.

MEMBERS PRESENT:—

Mr. Piddington, | Dr. Lang,
Mr. Hoskins, | Mr. Sutherland,
Mr. Sadleir, | Mr. Stewart.

Dr. Lang (the Chairman) wishing to make a statement in evidence before the Committee.

Chair taken by Mr. Piddington *pro tem*.

Whereupon, Dr. Lang made his statement—(*vide Separate Appendix*)—and was examined thereon by the Committee.

Committee deliberated.

Mr. Thomas Barker to be summoned to give evidence at the next meeting.

[Adjourned to Wednesday next, at *Eleven* o'clock.]

WEDNESDAY, 24 SEPTEMBER, 1862.

MEMBERS PRESENT:—

Dr. Lang in the Chair.

Mr. Piddington, | Mr. Sutherland,
Mr. Sadleir, | Mr. Stewart.

Mr. Thomas Barker examined.

Witness withdrew.

Mr. J. Williams, *Crown Solicitor*, to be summoned to give evidence at the next meeting.

[Adjourned to Wednesday next, at *Eleven* o'clock.]

WEDNESDAY, 1 OCTOBER, 1862.

MEMBERS PRESENT:—

Dr. Lang in the Chair.

Mr. Sadleir, | Mr. Mate,
Mr. Stewart.

Mr. John Williams, *Crown Solicitor*, called in and examined.

Witness produced Original Mortgage to the Government over certain land and buildings belonging to the Scots Church, Jamison-street. (*Vide List of Appendix*.) Also, Original Deed of Grant to the Trustees of the above Church. (*Vide List of Appendix*.)

Mr. Billyard's Report upon the Mortgage to be supplied by witness.

Witness withdrew.

Committee deliberated as to the expediency of bringing up a Progress Report, with the view of obtaining the opinion of the House with reference to the Mortgage to the Government over the land and buildings belonging to the Scots Church, Jamison-street.

Subject to be further considered.

[Adjourned to Wednesday next, at *Eleven* o'clock.]

WEDNESDAY,

WEDNESDAY, 8 OCTOBER, 1862.

MEMBERS PRESENT:—

Dr. Lang in the Chair.

Mr. Piddington,	|	Mr. Hoskies,
Mr. Mate,	|	Mr. Sadleir,
	|	Mr. Sutherland.

Committee deliberated.

Motion made (*Mr. Piddington*) and *Question*,—That Mr. Elyard be summoned to attend to-morrow, and furnish the Committee with the Report of Crown Solicitor Billyard upon the Mortgage of the Australian College,—*agreed to*.

[Adjourned to to-morrow, at *Eleven o'clock*.]

THURSDAY, 9 OCTOBER, 1862.

MEMBERS PRESENT:—

Dr. Lang in the Chair.

Mr. Piddington,	|	Mr. Sadleir.
Mr. Mate,	|	Mr. Sutherland.

Mr. John Williams called in and further examined.

Copy of Report of Crown Solicitor Billyard on the Mortgage of the Australian College handed in by witness. (*Vide List of Appendix.*)

Witness withdrew.

Committee deliberated.

Ordered, That the printed Evidence be circulated amongst the Members of the Committee, prior to their next meeting.

[Adjourned to Thursday, 23rd instant, at *Eleven o'clock*.]

THURSDAY, 23 OCTOBER, 1862.

MEMBERS PRESENT:—

Dr. Lang in the Chair.

Mr. Piddington,	|	Mr. Sadleir,
Mr. Sutherland,	|	Mr. Mate.

Copies of the printed Evidence being called for, the Clerk reported that the Evidence could not be printed and ready for distribution until Tuesday next.

Committee deliberated, and

[Adjourned to Friday, 31st instant, at *Eleven o'clock*.]

FRIDAY, 31 OCTOBER, 1862.

MEMBERS PRESENT:—

Dr. Lang in the Chair.

Mr. Piddington,	|	Mr. Hoskins,
Mr. Sadleir,	|	Mr. Stewart,
	|	Mr. Sutherland.

Printed copies of Evidence *circulated* prior to Meeting.

Preamble of the Bill considered and amended.

Committee deliberated.

[Adjourned to Friday next, at *Eleven o'clock*.]

FRIDAY, 7 NOVEMBER, 1862.

The Meeting convened for this day, by direction of the Chairman,—

[Postponed to Thursday next, at *Eleven o'clock*.]

THURSDAY, 13 NOVEMBER, 1862.

MEMBERS PRESENT:—

Dr. Lang in the Chair.

Mr. Piddington,	|	Mr. Stewart,
Mr. Sutherland,	|	Mr. Hoskins,
Mr. Sadleir,	|	Mr. Dalgleish.

The Chairman brought under the notice of the Committee a lithographed plan, copied from the one previously produced from the Surveyor General's Office, showing the site of the triangular portion of the Scots Church allotment, and a similar triangular portion of the allotment of the late Sir John Jamieson.

Motion

Motion made (*Mr. Piddington*) and *Question*,—That the plan submitted by the Chairman be appended to the Report,—*agreed to*.

Preamble of the Bill, as amended at the last Meeting, read.

Motion made (*Chairman*) and *Question put*,—That the Preamble, as amended, stand part of the Bill.

Committee divided.

Ayes, 3.

Noes, 3.

Dr. Lang,
Mr. Sutherland,
Mr. Stewart.

Mr. Piddington,
Mr. Sadleir,
Mr. Hoskins.

The Chairman declared with the Ayes, and so it passed in the affirmative.

Clause 1 read, considered, and amended. (*Vide Schedule of Amendments*.)

Bill. Motion made and *Question put*,—That the Clause, as amended, stand part of the

Committee divided.

Ayes, 4.

Noes, 3.

Dr. Lang,
Mr. Sutherland,
Mr. Stewart,
Mr. Dalgleish.

Mr. Piddington,
Mr. Sadleir,
Mr. Hoskins.

Two new Clauses and a Schedule then brought up by Chairman.

New Clause read, viz. :—

“ From and after the passing of this Act it shall be lawful to re-erect the tower of
“ the said Church on its present foundation.”

Bill. Motion made and *Question put*,—That the Clause, as read, stand Clause 2 of the

Committee divided.

Ayes, 4.

Noes, 3.

Dr. Lang,
Mr. Sutherland,
Mr. Stewart,
Mr. Dalgleish.

Mr. Piddington,
Mr. Sadleir,
Mr. Hoskins.

New Clause read, viz. :—

“ This Act shall not be held to affect or invalidate any rights or claims either of the
“ Government or of any private individuals to or over the ground of which it
“ legalizes the exchange.”

Bill. Motion made and *Question put*,—That the Clause, as read, stand Clause 3 of the

Committee divided.

Ayes, 4.

Noes, 3.

Dr. Lang,
Mr. Sutherland,
Mr. Stewart,
Mr. Dalgleish.

Mr. Piddington,
Mr. Sadleir,
Mr. Hoskins.

Schedule read, viz. :—

SCHEDULE.

DESCRIPTION OF LOT A.

“ Four and a-half perches County of Cumberland Parish of St. Philip City of
“ Sydney being part of the two roods and thirty-nine perches granted to the
“ Trustees of the Presbyterian Church Commencing on the southern building
“ line of Jamison-street at a point where the south-east boundary line of the
“ two roods thirty-nine perches as originally granted to the Trustees of the
“ Presbyterian Church intersects that building line and bounded thence on the
“ north by that building line westerly seventy-four links on the west by the
“ western side of the western end wall of College Buildings and of the wall in
“ continuation thereof enclosing the rear premises being in all a line southerly
“ seventy-five and a-half links to the south-east boundary line aforesaid and on
“ the south-east by that boundary line bearing north thirty-three degrees thirty
“ minutes east one chain and one link to the point of commencement.”

DESCRIPTION OF LOT B.

“ Four and three-quarter perches County of Cumberland Parish of St. Philip City
“ of Sydney Commencing at a point where the south-east boundary line of the
“ two roods thirty-nine perches as originally granted to the Trustees of the
“ Presbyterian Church meets the northern side of the Old Barrack Wall and
“ bounded thence on the south by the northern side of the wall aforesaid easterly
“ seventy-five links on the east by the western side of the western end wall
“ enclosing the rear premises of College Buildings northerly seventy-six links
“ to the south-east boundary line aforesaid and on the north-west by that
“ boundary line bearing south thirty-three degrees thirty minutes west one
“ chain and two and a-quarter links to the point of commencement.”

Motion

Motion made and *Question put*,—That the Schedule, as read, stand Schedule to the Bill.
Committee divided.

Ayes, 4.	Noes, 3.
Dr. Lang, Mr. Sutherland, Mr. Stewart, Mr. Dalgleish.	Mr. Piddington, Mr. Sadleir, Mr. Hoskins.

Title to the Bill amended. (*Vide Schedule of Amendments.*)
Question then,—That the Chairman report the Bill, as amended, to the House,—*put*.
Committee divided.

Ayes, 4.	Noes, 3.
Dr. Lang, Mr. Sutherland, Mr. Stewart, Mr. Dalgleish.	Mr. Piddington, Mr. Sadleir, Mr. Hoskins.

To report.

SCHEDULE OF AMENDMENTS.

- Page 1, Title, lines 3 and 4. *Omit* "for a similar portion of the allotment formerly belonging to the late Sir John Jamison;" *insert* "and to authorize the re-erection of the Tower of the said Church on its present foundation."
- Page 1, Preamble, line 1. *Omit* "it was agreed in the year 1831 that"
- Page 1, Preamble, line 2. *Omit* "should be;" *insert* "was"
- Page 1, Preamble, line 3. *After* "Sir John Jamison" *insert* "in the year 1831."
- Page 1, Preamble, lines 7 and 8. *Omit* "and whereas the allotment of the Scots Church being under trusteeship appointed by the Crown;" *insert* "but"
- Page 1, Preamble, lines 8 and 9. *Omit* "nor the property applied to its proper uses"
- Page 1, Preamble, line 9. *After* "Parliament" *insert* "And whereas it has been deemed expedient and necessary to take down the unfinished Tower of the said Church which was erected in the year 1824 with a view to its being rebuilt and completed on its present foundation but this cannot be done under the Street Alignment Act without an Act of Parliament as the said Tower abuts on the line of Jamison-street."
- Page 1, Preamble, line 10. *Before* "consent" *insert* "advice and"
- Page 1, Preamble, line 11. *After* "assembled" *insert* "and by the authority of the same"
- Page 1, clause 1, line 1 (at the commencement). *Omit* "That"
- Page 1, clause 1, line 4. *Omit* "said"
- Page 1, clause 1, line 4. *After* "allotment" *insert* "described in the Schedule appended to this Act as Lot A."
- Page 1, clause 1, line 4. *After* "bis" *insert* "or their"
- Page 1, clause 1, line 5. *Omit* "aforesaid"
- Page 1, clause 1, line 6. *Omit* "aforesaid;" *add* "described in the said Schedule as Lot B."
- Page 1. *After* Clause 1 *insert* the following new Clauses and Schedule:—

Power to re-erect the Tower on its present foundation. This Act not to affect or invalidate existing rights or claims.

- "2. From and after the passing of this Act it shall be lawful to re-erect the Tower of the said Church on its present foundation.
- "3. This Act shall not be held to affect or invalidate any rights or claims either of the Government or of any private individuals to or over the ground of which it legalizes the exchange."

SCHEDULE.

DESCRIPTION OF LOT A.

"Four and a half perches County of Cumberland Parish of St. Philip City of Sydney being part of the two roods and thirty-nine perches granted to the Trustees of the Presbyterian Church Commencing on the southern building line of Jamison-street at a point where the south-east boundary line of the two roods thirty-nine perches as originally granted to the Trustees of the Presbyterian Church intersects that building line and bounded thence on the north by that building line westerly seventy-four links on the west by the western side of the western end wall of College Buildings and of the wall in continuation thereof enclosing the rear premises being in all a line southerly seventy-five and a half links to the south-east boundary line aforesaid and on the south-east by that boundary line bearing north thirty-three degrees thirty minutes east one chain and one link to the point of commencement."

DESCRIPTION

DESCRIPTION OF LOT B.

" Four and three-quarter perches County of Cumberland Parish of St Philip
 " City of Sydney Commencing at a point where the south-east boundary line of the
 " two roods thirty-nine perches as originally granted to the Trustees of the
 " Presbyterian Church meets the northern side of the old Barrack wall and bounded
 " thence on the south by the northern side of the wall aforesaid easterly seventy-
 " five links on the east by the western side of the western end wall enclosing the
 " rear premises of College Buildings northerly seventy-six links to the south-east
 " boundary line aforesaid and on the north-west by that boundary line bearing
 " south thirty-three degrees thirty minutes west one chain and two and a quarter
 " links to the point of commencement."

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1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

EXCHANGE OF LAND, SCOTS CHURCH, JAMISON-STREET,
LEGALIZING BILL.

THURSDAY, 21 AUGUST, 1862.

Present:—

MR. HOSKINS,	|	MR. PIDDINGTON,
DR. LANG,	|	MR. SADLEIR,
MR. STEWART.		

W. R. PIDDINGTON, ESQ., IN THE CHAIR, *pro tem.*

The Reverend John Dunmore Lang, D.D., examined in his place:—

1. *By the Chairman:* I believe you wish to make some statement to the Committee? I do.
2. Will you have the goodness to make the statement you desire to make? In the year 1830 the trustees of the Scots Church and Sir John Jamison mutually agreed that a street should be formed through their respective allotments, for the improvement of the property of both. In the year 1831 that street was formed accordingly, and is now known as Jamison-street. I had in the meantime gone to England, to make arrangements for the establishment of an institution for education in the City of Sydney, and had obtained certain facilities for that purpose from the Secretary of State, then Lord Goderich. On my return to the Colony, towards the close of the year 1831, a series of buildings was commenced, partly upon the ground forming part of the allotment of Sir John Jamison, which had been purchased from him at his sale in September, 1831, and partly on the allotment of the Scots Church. The buildings, it was proposed, should consist of four houses for the masters of the academical institution I had gone to England to form, to be erected on the south side of Jamison-street, and class rooms facing Church Hill to the northward, on the portion of the allotment of the Scots Church that was cut off from the rest by Jamison-street. In the month of October, 1831, the trustees of the Scots Church—with the exception of Captain Piper (who was then at Bathurst), the other three being the late Mr. McVitie, the late Dr. Ramsay, and myself—all met upon the ground before a stone of the buildings now erected in Jamison-street was laid, and agreed to the arrangement, the object of legalizing which is that of the Bill before the Committee. As Jamison-street ran through both allotments obliquely, and cut off small triangular portions of each, that could not be otherwise made available, it was deemed expedient and necessary to exchange a small triangular portion of the allotment of the Scots Church to the south of Jamison-street, for another triangular portion of the allotment of Sir John Jamison, constituting a portion of what was purchased at the sale in 1831. This arrangement requiring an Act of the Legislature, has never been completed; and as it is now necessary that some arrangement should be

The Rev.
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D.D.

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The Rev.
J. D. Lang,
D.D.
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made in regard to the buildings, that, for reasons which it is unnecessary to state, were found by no means adapted to the object for which they were intended, it is necessary that the authority of Parliament should be given for the exchange of the two triangular portions of ground, to render such a disposition of the buildings practicable; and the object of this Committee is simply to satisfy the Assembly that the proposed exchange is reasonable and necessary. I may add, that a mortgage was given to the Government on the ground and buildings to which I have referred. That mortgage, I believe, is still in existence, although a decision of the Supreme Court was given against its validity some years since. But the object of this Committee is simply to ascertain whether the exchange proposed is a reasonable and necessary one. I beg to submit the sketches which have been produced by the gentleman from the Surveyor General's office, exhibiting the ground. (*Produced.*) I may add, also, that the Scots Church never contributed anything towards the erection of the buildings in Jamison-street. It was intended, when they were commenced, that the ground on which they stand, both the portion belonging to the Scots Church and the portion belonging to Sir John Jamison, as well as the other triangular portion between Jamison-street and Church Hill, should all be made over to the trustees of the academical institution which I had gone Home to form; but Sir Richard Bourke prevented that arrangement being made—he would not allow the trustees to give up their claim to the ground that they had got from the Government. I may state, that at the time when the trustees met on the ground and agreed to this exchange, it was further agreed that as these buildings were to be erected for a different purpose, and under a different proprietary, the end gable should be erected on the dividing line, and when the congregation of the Scots Church were able, they were to pay for their half. There is accordingly a gable left open for the erection of another house, in pursuance of the arrangement made at the time.

THE REV. J. D. LANG, D.D., IN THE CHAIR.

Mr. George Brown called in and examined:—

- Mr. G. Brown. 3. *By the Chairman*: You are one of the promoters of this Bill? Yes.
4. In what capacity? As an elder of the Scots Church, a seatholder, and a member of the congregation.
5. This is the petition of the elders and committee of management? Yes, I am chairman of the committee of management.
6. Have you examined and measured the ground which it is proposed to exchange—part of the allotment of the Scots Church, and a portion belonging previously to the estate of Sir John Jamison? Yes.
7. Would you give the Committee the dimensions of the two triangular portions respectively? I am unable to do that at present, because I have forgotten to bring the sketch I took of it with me. From recollection I could not positively state. (*A sketch of the ground in question, with the measurements marked thereon, was shown to the witness.*) I believe these are in accordance with the measurements I took.
8. You recognize these as the measurements of the ground in question? Yes, as near as can be ascertained without a thorough survey. The frontage to Jamison-street is 43 feet, the line at right angles from that is 45 feet 6 inches, and the hypobeneuse or longest side of the triangle is 62 feet 6 inches. That is the portion which forms part of the Scots Church grant. The piece at the back, which is a portion of Sir John Jamison's allotment, has a frontage only to a lane that once formed part of the old Barrack-square; it has 52 feet 6 inches to that lane; the line at right angles to that is 59 feet 6 inches, and the longest line 77 feet 6 inches.
9. Are you aware whether the congregation of the Scots Church ever contributed towards the erection of the buildings on the south side of Jamison-street? I am not aware of their ever contributing anything. They have never contributed anything since I have been connected with it; and as far as I have been able to gather from any accounts, they never have done so at any former period.
10. Is this arrangement necessary in order to enable the buildings to be turned to a proper account? Yes, I think it is absolutely necessary.
11. Is it necessary also in order to enable the trustees and congregation of the Scots Church to make a proper use of their own property? Yes, I think it is.
12. Do you consider the arrangement an equitable one, under all the circumstances, as to the extent of the ground and its situation? Yes.
13. Which is the larger portion? The portion having frontage to the lane in what was the old Barrack-square—Wynyard-square now. The smaller portion has frontage to Jamison-street.
14. That is the portion of the allotment of the Scots Church? Yes.
15. *By Mr. Piddington*: Is the triangular portion of the allotment of the Scots Church intended to be exchanged vacant ground without any buildings upon it? No.
16. Is it built upon? Yes.
17. What buildings are erected upon it? Part of the house now occupied by Dr. Lang.
18. Any other buildings? There is a very small corner of the next house on it also.
19. Then the whole of the triangular portion of the allotment of the Scots Church intended to be exchanged is built upon? Yes.
20. Is the triangular portion which belonged to Sir John Jamison, intended to be exchanged for the land belonging to the Scots Church, built upon or vacant? Vacant.
21. Then in the one case the land is built upon, and in the other it is vacant? Yes.

22. In what way is the exchange of these two portions of land necessary, in order to turn the buildings upon the Scots Church allotment to a proper account? There could be no proper title given for either of the properties, or accurate and valuable description, I think, in the way they are now. The building, or rather the portion of the building that is on the land forming part of the Scots Church allotment would be worth nothing to any party by itself, or without that portion at the rear now attached to it. Mr. G. Brown.
21 Aug., 1862.
23. Is it in order to cure a defective title that you say it is necessary to make this exchange? I do not know that there is any real defect of title, but the way in which the property is situated now, which I believe was agreed to verbally some time previous, there could not be any other proper subdivision of it than that which has already really taken place. I cannot see how there could be a title or accurate and valuable description given to either portion, very well.
24. Is it in order to make the title perfect that you think the exchange desirable? Yes, and the description valuable, accurate, and compact.
25. Is that what you mean by turning the property to proper account? Yes. In the way in which it lies to Jamison-street now it would be of little or no value at all, supposing it were vacant and unconnected with those portions now really attached.
26. You say the land is not vacant on the portion of the Scots Church allotment? No, it is not.
27. Then you wish this land that is built upon to be exchanged for vacant land, in order that it may be saleable? Yes.
28. Are the buildings upon the portion of the Scots Church allotment a portion of the buildings on the south side of Jamison-street known as the Australian College Buildings? Yes.
29. How much of these Australian College Buildings is built upon this triangular portion of the Scots Church allotment? Portions of two of the houses—about half, or rather more of one building and a small portion of the next.
30. Are you aware whether any mortgage was effected to the Government by the trustees of the Scots Church, as security for an advance of £3,500 made by the Government in aid of the erection of these four buildings? I am not aware of it, and I do not think it ever has been done by them as trustees of the Scots Church.
31. You know nothing of any such transaction? I know nothing in connection with these buildings—namely, the Australian College Buildings.
32. You do not know whether they are buildings that have been conveyed to trustees? No.
33. Do you know them as the Australian College Buildings? Yes.
34. Do they consist of four houses built upon the south side of Jamison-street? Yes.
35. How are these houses occupied? They are occupied as private dwelling-houses.
36. Do you know whether they yield any rent? Yes, I believe they do; personally I do not know, but I believe they do.
37. They are not occupied, then, as collegiate buildings? No.
38. Are you aware whether there are any scholars or students in them? None at present.
39. Are you aware whether there is any staff of tutors or teachers connected with the Australian College? None at present.
40. Then for the purposes of a college they do not exist? I think not.
41. Have you any idea of the money value of that portion of the Australian College Buildings which is erected upon the Scots Church allotment? The money value of the buildings?
42. The buildings and land together? The portion of the buildings on the Scots Church allotment would be of little or no value, in my opinion—would be of no value without the adjoining portion now attached.
43. Do you mean absolutely of no value whatever? Well, I cannot see how they would.
44. What do you think would be the money value of the triangular portion of land intended to be substituted in exchange for the triangular portion of land built upon? It is rather difficult to say, unconnected with that portion which squares it, because it is a piece of ground with no frontage except to a lane at the rear.
45. Are you acquainted with the Bill now before the Committee? Yes.
46. Have you observed that in the preamble it is stated that an exchange cannot be effected nor the property applied to its proper uses without an Act of Parliament? Yes.
47. What are the proper uses intended by that preamble, according to your opinion? To square the lines of the property with the frontage of Jamison-street, so that each may have a square piece of land which is of some value, whereas these triangular pieces have none of themselves.
48. If the buildings were erected for the purpose of an Australian College, would not that use be their proper use? I conceive it would.*
49. You know nothing of the use this land is intended to be applied to? No.
50. *By Mr. Sadleir*: Have you any idea to what use the piece of land that the trustees of the Scots Church would receive in exchange would be applied to? It would be applied to building a house upon.
51. For whom? For the minister of the church, whoever he might be, school-house, or both. If we built a house for the minister upon the piece of the Scots Church allotment which is at present vacant, it would have no entrance from the rear unless we get possession of this triangular piece that we seek to receive in exchange for the other triangular piece which originally belonged to the Scots Church allotment, and upon which, as I have said, portions of two of the Australian College Buildings are now erected. 52.

* ADDED (on revision):—And the proper use on the other side would be to enable the congregation of the Scots Church to erect a house for their minister, as well as a school-house, should it be deemed necessary.

- Mr. G. Brown. 52. You cannot build the clergyman's house, with the titles, situation, and description to the land as they are now? No, we would have no right to the rear portion of this land.
- 21 Aug., 1862. 53. Who are the trustees for the Scots Church? Dr. Lang is the only one now, I believe.
54. Do you know whether these properties have ever been valued by the Government? I am not aware.
55. Are you aware whether there is a mortgage on these buildings? No, I am not aware.
56. How many years is it since there were any students in them? There were some students there about 1851 or 1852; the last I recollect in 1852.
57. Do you know how the rentals of these buildings are appropriated? No.
58. You do not know how far this exchange would affect the title to these buildings? It could not injure the title, I should think, if sanctioned by the Legislature.
59. *By Mr. Piddington*: Would it affect the validity of the mortgage? I should think not, if sanctioned by the Legislature.
60. Would the mortgage be valued if the Legislature consented to the security on which the money was advanced being exchanged? I think it would add to the value at least of the buildings.
61. Who would benefit by that? The mortgagees, because they would then have a perfect title to this triangular piece of land on which portions of two of the houses stand, which they have not now.
62. *By Mr. Sadleir*: Can the mortgagees foreclose the mortgage, do you know? I am not aware.
63. Do you know of any impediment to foreclosing? No.
64. *By Mr. Piddington*: How do you know the mortgagees have not a perfect title to that portion of the buildings erected on the Scots Church allotment? So far as I have been able to ascertain, in connection with the property belonging to the Scots Church, they cannot have a perfect title, because there never has been any authorized conveyance of this property to these buildings.
65. *By Mr. Sadleir*: Who are the trustees of the land on which the Australian College Buildings are erected? I am not aware.
66. *By Mr. Hoskins*: How do you know, then, that the trustees of the Australian College Buildings are parties to this agreement for the transfer of the land granted to them in exchange for land granted for another purpose? I have the authority of one of the trustees of the church property, that there was a verbal agreement some thirty years ago.
67. You do not know whether the trustees of the ground on which the Australian College was to be built are parties to this agreement or not? No, except as I have just said.
68. Is it your opinion that the land belonging to the Australian College grant, which you propose to receive in exchange, is equal in value to the land you propose to transfer from the church grant, supposing both pieces to be vacant? I should suppose the portion belonging to the church would be the more valuable, because it has frontage to a street, whereas the other has only frontage to a back lane.
69. Do you know whether the representatives of Sir John Jamison have been consulted with reference to this exchange? I believe they were, when the verbal agreement was made, thirty years ago.
70. You are a member of the Scots Church? Yes.
71. Can you say whether you consider that the trustee has power to dispose of or exchange any of the allotment granted to the church without consulting the congregation? No, I do not think he would have power to do so without the sanction of the Legislature, and that is the reason of the present application: It is for the Legislature to hearken to the views of the congregation, or of the trustee on behalf of the congregation. If disposed to petition against it they would have done so before this; but as far as I have ascertained, they are unanimous in favour of the exchange.
72. *By Mr. Stewart*: The trustee, in fact, merely holds it in name, and would have no power to act except for the uses of the church? No.
73. *By Mr. Sadleir*: Are you aware whether the houses Nos. 3 and 4 of the Australian College Buildings do not stand on land of different titles altogether—part being on land of Sir John Jamison, and part on land of the church? Yes.
74. *By Mr. Hoskins*: Do you know whether the assent of the Crown has been asked to the transference of this allotment? No, but we now ask it.
75. *By Mr. Sadleir*: From whence do you derive your knowledge of the verbal agreement you have spoken of? Merely from hearsay.
76. And on this verbal agreement the buildings were built? Yes, it appears so.
77. Did you ever hear that these properties were mortgaged to somebody else besides the Government—the Loan Company? I have heard they were.
78. Do you know if that mortgage has been taken off? I am not aware, I rather think not.
79. Have the Loan Company been consulted at all? I have heard there was a mortgage on the two lower houses to the Loan Company; but I never heard there was any to the Loan Company on the two upper ones, which are partly built on this portion of the Scots Church property.

WEDNESDAY, 27 AUGUST, 1862.

Present :—

MR. BELL,		MR. PIDDINGTON,
MR. MATE,		MR. SADLEIR,
MR. STEWART.		

THE REV. J. D. LANG, D.D., IN THE CHAIR.

The Honorable Charles Cowper, Esq., M.P., examined :—

80. *By the Chairman* : The preamble of the Bill upon which the Committee is now sitting is as follows :—“Whereas it was agreed in the year 1831, that a street, now called Jamison-street, should be formed through the adjoining allotments of the Scots Church and the late Sir John Jamison : And whereas it was deemed necessary, in order to square the lines of these properties, when the said street was formed, that a small triangular portion of the allotment of the Scots Church, on the south side of Jamison-street, should be exchanged for a similar triangular portion of the said allotment of the late Sir John Jamison : And whereas the allotment of the Scots Church being under trusteeship appointed by the Crown, such an exchange cannot be effected, nor the property applied to its proper uses, without an Act of Parliament :” Will you look at the sketch of the properties as they were originally granted from the Crown (*handing a sketch to the witness*)? Yes.

The Hon.
C. Cowper,
Esq., M.P.

27 Aug., 1862.

81. This (*pointing to the sketch*) was the allotment of the Scots Church, and this of Sir John Jamison ; and the street was agreed to be formed for the mutual benefit of both parties. It gave us an eligible approach to the church, whereas the previous one by Church Hill, or by the old barrack gate, which was frequently closed, was very inconvenient ; and it was a great object to obtain it at the time? What is your question to me?

82. The question arises from the circumstance that simultaneously, or about the same period with this arrangement, efforts were made by myself for the establishment of an institution for education, and for the erection of the buildings connected with it on part of the ground, and it was deemed expedient, as stated in the preamble,—as the street crossed both of these properties diagonally, they rendered useless otherwise the triangular portions that were cut off from both—to exchange this triangular portion of the allotment of the Scots Church for this portion of the ground obtained from Sir John Jamison ; and the question is, whether, considering all the circumstances—the whole of this being back land at the time when this arrangement for opening the street was formed—this was a reasonable exchange. This portion of the ground is somewhat smaller than the portion obtained from Sir John Jamison? The circumstances are so ancient a date that I should hardly like to give an opinion at once upon the question, as I have never considered the subject before, and am not sufficiently acquainted with the value of the land, and the different shapes of the two pieces of land, to give an opinion. I should think some person engaged in the sale of land would be more competent to give an opinion than myself.

83. It was necessary, on my coming to the Colony from England with a number of Scotch mechanics I brought out for the erection of these buildings, to make an immediate commencement ; and the trustees of the Scots Church, who were then the late Mr. M'Vitie, the late Dr. Ramsay, and myself (Captain Piper, the fourth, being at Bathurst), all met on the ground, and agreed that this line should be struck as the definitive boundary line for the property of the church (*pointing it out on the sketch*) ; the other, the buildings beyond, being contemplated under a different proprietary altogether? I have a general recollection, from seeing the matter discussed publicly that that was the case ; but as to the value of the land, or the relative value of the two portions to which you allude, I should not like to venture an opinion ; for, in the first place, I have not had time to consider it, and in the second, I am not sufficiently acquainted with what was the value of the land at that time and what is its value now, to express an opinion whether it would be a fair exchange.

84. It was a definitive arrangement, as far as the parties were concerned at that time it was one of absolute necessity—that corner, when cut off, after the street was formed, would have been of no use to the rest of the property ; neither would this, at least it would have been very little, to the property belonging to Sir John Jamison? No, it seems a much better arrangement to make as regards the two properties ; but I think I understood you to put the question as to the relative value of the two pieces.

85. Quite so? I should think, without binding myself as giving a well-considered opinion, that it would be a fair arrangement ; at the same time, I may again remark, that my opinion is not of much value. There is no doubt Jamison-street was a very great improvement.

86. Considering the whole of this as back land at the time when this street was formed, would not the proposed arrangement be a fair as well as a necessary one? It seems to me that the arrangement should be made with the concurrence of the two trustees, the trustees of the Scots Church and the trustees of the Australian College Buildings ; and if the arrangement were assented to between the parties at the time, I imagine that the Legislature, both parties concurring, would not object to the arrangement. As to the value of the land I am not competent to give an opinion, nor should I like to do so without first seeing the land, and even then my estimate would not be so valuable as the opinion of some person engaged in dealing with land.

87. *By Mr. Piddington* : Are you aware that the land proposed to be exchanged in Jamison-street is land upon which stands a portion of two buildings erected for the Australian College? No, I am not ; I am aware that the College Buildings do stand in Jamison-street, and looking to the map, it seems to me that they are about that locality.

- The Hon. C. Cowper, Esq., M.P.
27 Aug., 1862.
88. The map before you has a portion coloured dark, that dark colour is intended to represent four buildings which were erected many years ago as buildings for the Australian College? Yes.
89. You perceive that a diagonal line is drawn in yellow across a portion of two of those buildings? Yes.
90. Upon that a portion of these buildings are erected;—are you aware that such buildings are erected upon that portion of the land that is intended to be exchanged for the vacant portion? I am not.
91. Are you aware of a memorandum printed in the Report of a Select Committee of the Legislative Council on Loans to the Australian College, on the authority of Lord Goderich, dated 13th January, 1831, under which authority a sum of £3,500 was advanced by the Government to Dr. Lang for the purpose of building the Australian College. I hand you this report to direct your attention to that memorandum (*handing the same to the witness*)? I see in this volume of the Votes and Proceedings of the Legislative Council for 1841, at page 371, the following memorandum, marked C:—"Lord Goderich consents to the advance from the Colonial Treasury, in aid of the projected academical institution in Sydney, of a sum not exceeding £3,500, in different payments, in the course of the eighteen months next after Dr. Lang's landing in New South Wales, on condition that, previous to each advance, the Governor shall be satisfied that an equal sum has been actually expended from the private contributions of the promoters of the undertaking. It is to be understood that for the sum of £7,000 thus provided, namely, one-half by subscription and the other by the Government, all the buildings necessary for the opening of the institution, on a reduced scale, are to be completed, care being taken that they are so arranged that it may be possible either to increase the establishment to the extent originally proposed, or to confine it to what shall have been done in the first instance. The proposed buildings to be erected on the ground belonging to the Scotch Church; and security to be given on them for the re-payment, in five years, of the money advanced from the Colonial Treasury. The five years to be calculated from the date of its being advanced to the Trustees."
92. Are you aware whether, in the Colonial Secretary's Office, there is any copy of that memorandum? I am not. When I was summoned to attend the Committee I had no notice of what questions would be put to me, therefore I came wholly unprepared to give evidence on the subject.
93. Are you aware whether, in pursuance of that authority, a sum of £3,500 was advanced to Dr. Lang for the purpose of building an academical institution for the Presbyterian youth of the Colony? I have heard so, and I never heard it disputed.
94. Do you know whether the trustees of the Australian College did receive a sum of £3,500 for the purpose of the establishment of an educational institution for the Presbyterian youth of the Colony? I do not know it officially.
95. Are you aware whether a mortgage was executed by the trustees of the Australian College, in favour of the Colonial Treasurer, for the sum of £3,500? I am not distinctly aware of it; but I think some such document has been made public in some shape, but I could not at this moment say where.
96. Do you know whether that mortgage deed is in your office, or in that of the Colonial Treasurer? I do not, without making inquiry.
97. Will you have the goodness to make the inquiry, and to furnish the Committee with the deed? I will, if it can be found. I see in this Report signed by Mr. Deas Thomson, dated 17th August, 1841, there is an allusion to a mortgage "in conformity with the provisions of which Act"—that is, 3 William 4—"a deed of mortgage was executed on the 18th February, 1833, to secure the re-payment of the £520 advanced towards the Scots Church, and of a further sum of £3,500 lent to the Australian College, the particulars of which will be found explained in a subsequent part of this Report." I apprehend that that deed is still somewhere in existence.
98. Will you have the goodness to cause inquiry to be made for that deed? Yes.
99. And forward it to the Committee, in order that they may ascertain whether the public have any lien upon these buildings it is proposed by this Bill to exchange? Yes.
100. You have no knowledge yourself of the buildings in question? None whatever.
101. You are altogether ignorant of the facts? Yes.
102. You are not aware of the circumstance that two of the buildings, instead of being erected as Lord Goderich directs, upon the Scots Church allotment, were erected upon private land purchased from Sir John Jamison? I am not aware of that.
103. Supposing that to be the only security the Government possesses for this advance of public money, in what position would the Government be with regard to that security, if an Act of Parliament were passed to exchange that land upon which alone the Government have security for the piece of vacant land upon which they have none? That is rather a legal question; it would look very like giving up the Government security altogether.
104. If we were to adopt that course, what justification could we afford to our constituents for giving up the security which the Government hold over buildings for the payment of money advanced from the public Treasury? I am not aware of anything to prevent the Legislature and Government from making the arrangement, if it were considered desirable upon grounds of policy to make it.
105. Your recollection does not, I suppose, serve you with respect to whether the public subscribed individually for the purpose of establishing the Australian College? No, it is so long since I read the documents. I was familiar with the matter at the time, but it is so long since that I have lost my recollection of the circumstances.

106. *By Mr. Sadleir:* Are you aware whether there are any shareholders in the college? No. My impression was that originally there were shareholders, certain parties who subscribed considerable sums of money. The Hon.
G. Cowper,
Esq., M.P.
107. Are you aware whether the church property was held for the Presbyterians generally, or for one sect? I am not. The subject has been the matter of a law suit, and I fancy the Courts have decided that matter. 27 Aug., 1862.
108. Do you know the reason that the mortgage has not been foreclosed? I do not, except that Government is always backward in enforcing its claims. The subject has been before the Court at least on one occasion, and I rather think the decision was adverse to the Government.

WEDNESDAY, 3 SEPTEMBER, 1862.

Present:—

MR. SUTHERLAND, MR. STEWART,
MR. PIDDINGTON, MR. HOSKINS.

THE REV. J. D. LANG, D.D., IN THE CHAIR.

John Fletcher Hargrave, Esq., Attorney General, called in and examined:—

109. *By the Chairman:* Have you ascertained the particulars respecting a mortgage granted upon the Scots Church ground and buildings to the Government? At the request of the Committee I immediately inquired whether there was any record of such a document in the Attorney General's Office. I inquired through Mr. Plunkett, my Secretary, but I find nothing whatever, and I have no personal recollection of having seen such a document. I yesterday inquired of Mr. Elyard, and he reported to me that there had been such a document; that it had been sent to the Parliamentary Offices (whether the Council or the Assembly I do not know), and that there was a memorandum of it not having been returned. That is all the information I have been able to obtain in reference to the matter. I never saw the document, and of my own knowledge I do not know anything about it. I know this: there was some report of there being a desire to release some property in Jamison-street from some charge said to be existing upon it. I have also heard (not professionally or officially in any way) that it was proposed to exchange this property for some other property, and that there was some charge said to exist upon it. That is all I know about it. I know nothing of it personally, and never heard of it until I received the notice from the Committee. J. F.
Hargrave,
Esq.
3 Sept., 1862.
110. You are not aware of any legal proceedings that have taken place on the subject? No, I have had no papers before me in any way. I cannot tell how it came into my head, but I have some recollection of having heard, two or three years ago, when I was Solicitor General, that there had been a decision of the Supreme Court that this mortgage, whatever it was, was not capable of being enforced, or that it was void, but I know nothing of it myself, and never saw any proceedings relating to it in any way.
111. The object of this Committee is to consider this Bill to legalize an arrangement made thirty-one years ago for the exchange of this small portion (A) of the original allotment of the Scots Church (*colored green on plan*) and this allotment (B), a triangular portion also, forming a part of the estate of Sir John Jamison. This arrangement was made thirty-one years ago, but as it is trust property it could not be done without an Act of Parliament, and a Bill has never been brought in until now. The question is to legalize the exchange of this property. I stand corrected by Mr. Piddington: the question that has come up is—supposing the Government mortgage upon the land and buildings had any existence, and is still valid, would the passing of such an Act as this invalidate that mortgage? It certainly ought not to do so. Every Estate Bill in England always contains a clause at the end of it saving the rights of the Crown, and of all parties interested in such portion of land so exchanged, except the parties making the application for the exchanging powers. It is the invariable practice in England—both in the House of Lords and in the House of Commons—to insert saving clauses in Estate Bills. Whatever rights mortgagees might have they would not be affected. One or two exchange Acts have been passed in the Colony, but in looking over them I find that such saving clauses have not been inserted. I should not like to consent to pass a Bill without inserting a clause of that kind. It is necessary that such Bills should contain a saving clause; it might be legislating behind the backs of people otherwise.
112. I may state, for your information on the subject, that there was an Act of the late Legislative Council, passed in the year 1832, authorizing the mortgage referred to, and in that Act there is a clause precisely of the effect you state? A saving clause.
113. Yes, saving the interests of parties? The object of the Bill being to exchange, the Bill should do nothing else but that. Bills to grant powers of leasing are passed; but you never presume an Act of Parliament for that purpose to do anything more than that—binding the parties to the application and those who claim through or under them.
114. *By Mr. Piddington:* Was this question of the existence of a mortgage upon the Australian College ever under your consideration, either as Solicitor General or as Attorney General? In the year 1859, I have a note of an application made by Dr. Lang being referred to me for my advice as to whether the Government could surrender their charge upon it. The opinion I gave was, that I did not see, legally, how the Government could accept a surrender—because I did not consider the Government had a right to do what they liked. There must be an Act of Parliament to show what they do. I said that if such a document, *by way of surrender*, were sent to me I should be in a position to advise upon it.
- My

J. F.
Hargrave,
Esq.

3 Sept., 1862.

My secretary informed me that that is the only matter on the books in my office in reference to this subject, since I have been in office, or, I believe, previously. If the Committee wish to have copies of the opinions, there will be no difficulty about that.

115. The mortgage deed was not under your consideration at the time you gave that opinion? I cannot tell now; I keep no records of any papers except my own opinions. I believe it was simply a question submitted to me whether a Government under Responsible Government could accept a surrender from or make a surrender to a private person, there being no Act of Parliament authorizing such surrender.

116. I think you stated that you made some inquiry of the Under Secretary in the Colonial Secretary's Office with reference to the mortgage deed? Yes, the inquiry I made yesterday—I asked Mr. Cowper.

117. Mr. Cowper or Mr. Elyard? I asked Mr. Cowper first if this matter was coming on to-day, and Mr. Elyard then said in my presence—to Mr. Cowper or to me, I forget which—that he had inquired, and found by reference, that the mortgage deed had been sent to the Parliamentary Offices.

118. Did he state when, Mr. Attorney General? No, I cannot tell when it was sent. It was only with regard to the custody of it that I was anxious to prepare myself to answer this Committee; because, supposing there was a document, my duty was to see whether it had ever been in my office. I do not believe it ever was in my office, and it certainly is not there now. As this case had come to me from the Colonial Secretary's Office in 1859, I asked whether there had been such a document, and the answer was that it had been sent to the Parliamentary Office and had not been seen since.

119. Mr. Elyard did not state when? He might have done, but I did not notice.

120. And you have very little knowledge as to whether strict search has been made? I simply asked the question. It was not my duty to interfere for a single moment with Mr. Cowper's office. I wished simply to produce the document to this Committee if I could.

121. You are not certain but this mortgage deed may be in the Colonial Secretary's Office at the present time? I have no doubt that it is not. I am quite certain Mr. Elyard would not have answered me so clearly unless he had made a proper search.

122. Then you are satisfied that the document is not there? I am perfectly satisfied that it is not.

123. Can you account for the document not being in the office? Certainly not; I do not attempt to account for it in any way.

124. Have you ever seen a certain memorandum marked "C," which is part of an Appendix to a Committee of the old Legislative Council, in reference to a loan to the Australian College? No.

125. Will you have the goodness to look at that document marked "C." (*Document handed to witness. Vide Appendix.*) Have you any reason to doubt that that is a correct reprint of the memorandum issued by Lord Goderich? I can form no opinion of its accuracy more than any other person. I do not doubt that it is quite correct.

126. Are you aware that a sum of £3,500 was granted out of the Colonial Treasury to assist in establishing the Australian College? No, I have not the slightest knowledge of it.

127. Have you ever heard that such a sum was granted? No. I think some such document as this must have been laid before me in 1859. I think £3,500 was the amount mentioned in the case, but I know nothing of it myself.

128. Have you any reason to doubt that a sum of £3,500 was granted out of the Colonial Treasury to aid in the establishment of the Australian College? As Attorney General I have no knowledge of the facts at all, and can form no opinion about it. I dare say it is as true as any other public document, but I have no knowledge of it.

129. *By the Chairman:* May not Mr. Elyard have been mistaken as to where the document was sent—as it was the subject of a legal transaction, may it not have been sent to the Supreme Court? Oh yes, certainly, it may have been sent there. It was merely a verbal reply to a question. I should not think of looking at the books in the Colonial Secretary's Office. I state simply what Mr. Elyard said in answer to the question. I was afraid I was exceeding my duty in asking it, and it was only in Mr. Cowper's presence that I ventured to do so.

130. *By Mr. Piddington:* Have you looked at the Bill now before the Committee? No. (*Bill handed to witness.*)

131. I would wish to ask your opinion whether the Committee can assent to this Bill as it stands, without at the same time diminishing the security of the mortgage deed, supposing the Government to hold one upon this property? I think, sir, that question requires a great deal of consideration whether I should answer it or not. My duty as Attorney General is to advise the Government, and I do not think it at all my duty—as I stated to a Committee of the Assembly appointed to make inquiries with reference to the Domain—to advise Committees of the Assembly in regard to their duties, because it may clash with advice I may deem it my duty to give in behalf of the Crown in Cabinet. I know nothing of this matter more than I have already stated, and I do not see why my legal advice should be now asked in regard to that Bill.

132. Then I understand you to decline to answer? No, I do not decline. It has come upon me suddenly. I had no idea my opinion was to be asked with reference to the construction of an Act of Parliament. I was asked to come here to answer a question about the possession of a document. Am I to be brought here to answer questions upon one subject, and then to be asked distinctly my advice as Attorney General as to the construction of a certain document, when I am a Member of the Legislature, and shall be asked, in my seat in the Legislative Council, to advise upon the Bill if it comes up before me—when I am also bound, on my oaths, to perform my duty as Attorney General to Her Majesty, and as a Member

of the Executive Council? These are grave and important questions, and unless I knew whether an Attorney General had been placed in my present position, and had answered such a question as is now put to me, I should very much hesitate to assume such a responsibility.

J. F.
Hargrave,
Esq.

3 Sept., 1862.

133. How do you acquire the knowledge that you were cited here for one purpose? The message, in the summons to me, states that.

134. There was a heading to it, but no distinct —? I have stated that there was, and you will find it so. Independently of the very grave question to which I have referred, I cannot answer off hand as to the construction of an Act of Parliament—or whether a Committee of the Assembly should assent to it.

135. You are aware that a Committee is now appointed to consider the advisability of assenting to it? Of course not; I know nothing of the Committee. I am a Member of the other House of Legislature. The note appears to be couched in these terms (after stating the object of the Committee)—“and will be glad to receive any information relative thereto which you may be willing to afford, particularly with reference to a certain deed of mortgage to the Government”? I have given all the information I can upon that subject.

136. But you decline to answer the question I put to you with reference to the effect of agreeing to this Bill as it stands? As I know nothing whatever of the facts stated in this preamble, of course I am utterly unable to advise, upon those facts, with regard to the effect of agreeing to the Bill.

137. I do not insist upon a reply; I wish to know whether you decline to answer? I do not decline. I know nothing of the facts, and I therefore cannot form any knowledge whatever to answer the question. I think it is the first question of the kind that was ever put to an Attorney General—to advise a Committee of the Legislature as to the performance of their duties.

138. You think that question ought to be decided upon by a Committee of the Legislative Assembly? I do not presume to state to the Committee, for a moment, what they should do. I simply state that I have no knowledge of the facts, and that, therefore, I can form no opinion upon the matter.

139. You have no knowledge of this mortgage or anything about it? Not the slightest, except what I have stated.

140. And you cannot give the Committee any opinion of the position in which the Government would be placed if this Bill were assented to? No more than this—that an exchange is merely an exchange, and that if a proper saving clause be put in, all parties, other than those making the application or claiming through them, will be protected just as if the exchange had never taken place.

141. Do you perceive any saving clause in this Bill? Of course not, but it can be easily inserted

142. *By Mr. Stewart*: Is it usual in all securities that a saving clause exists, or is it only in transfers? The saving clause is inserted in all these private estate Bills. These Acts having the effect of creating an exchange, and being applied for by private persons, saving clauses are inserted to prevent the Acts having any effect besides that of exchange. You do not put a saving clause into a mortgage.

143. A saving clause would be inserted in any Bill to effect an exchange? Yes, in England; to protect the rights of all persons other than parties or privies to the Bill; that is, either the parties themselves or persons represented through them.

144. The Bill would not interfere with any existing rights? I doubt much whether, if you left the saving clause out, the Bill, being for exchange, would have any other effect but to exchange; but in proper Parliamentary drawing I think the saving clause ought to be inserted.

145. *By the Chairman*: With such a clause there would be no interference with any rights either of the Crown or of private parties? No.

146. *By Mr. Piddington*: Is this Bill similar to an estate Bill? I never saw an estate Bill in one clause. In England petitions for estate Bills usually state all the circumstances which have led to the application for the Bill, and then there is set forth a copy of the Bill intended to be applied for. I have seen many, and have drawn several of them years ago in England. All estate Bills originate in the House of Lords, and the Petition and the Bill are referred to the Judges of the land—the House of Lords having a constitutional right to consult the Judges in matters of law.

147. Does not this Bill purport to refer to land held in trust for public purposes? Yes.

148. Is that similar to a private estate Bill? A private estate Bill in England would recite the title and the proposition for the Bill at full length, and those facts would go before the Judges.

149. Do you hold that this Bill is similar in its nature to a private estate Bill? Yes, because its object is to exchange.

150. Simply on that ground, because it proposes to exchange? Yes.

151. Do you consider that that single point of similarity constitutes an analogy between this Bill and a private estate Bill? No, I have never said it was analogous. The Legislature in this and every Colony are sometimes applied to, to effectuate exchanges of land, and to alter the terms of leases and settlements, which the parties themselves cannot do. The forms each Legislature chooses to use depend upon the Legislatures themselves. The Acts of Parliament we have passed in this Colony, by way of estate Bills, are somewhat similar.

152. Is this similar to any Colonial estate Bill? I never saw one so short as that.

153. Is it similar in its nature? I cannot say. There have been only three or four estate Bills in the Colony since 1855. I have them on my table.* Last Session there was

Hosking's

* NOTE.—The Colonial Private Acts of this class are:—“Campbell's Will Act,” Dec., 1852; “Blake's Marriage Act,” Aug., 1853; “Betts' Trustees Act,” Nov., 1855; “Sillitoe's Trustees Acts,” Dec., 1855, and Oct., 1858; “Mann's Trust Act,” Dec., 1857; “Hamilton's Trust Act,” Aug., 1858; “West Matland Church Land Sale Act,” May, 1861; “Wilson's Estate Act,” May, 1861; and “Hosking's Trust Act,” May, 1861.

J. F.
Hargrave,
Esq.
3 Sept., 1862.

Hosking's Trust Bill: it contained a long preamble, and three or four clauses to effectuate an exchange.

154. Was not Hosking's Trust Bill a Bill for the purpose of accommodating the interests of a private family? Of course it was.

155. Has this Bill any character of that description? It comes exactly in the same class, the parties being desirous of exchanging one property for another. As to the circumstances under which this exchange is to be effected, it is for the Legislature to decide whether they will go out of the way and make an Act of Parliament for the purpose.

156. You think this Bill is precisely similar to the case of a private estate Bill where an exchange is desired, simply because this is to effect an exchange? I have not said this is precisely similar. I said that the Legislature did authorize such Bills, and that the form in which it thought proper to do so was for themselves to determine. I never saw so short a Bill as that now on the table for such a purpose. I would merely suggest that this Bill should specify at the foot the metes and bounds of the particular lands to be exchanged, because, as it is now worded, there is nothing to connect the Bill with any particular property. Then the words would be sufficient exchange of lands in schedule A for land specified in schedule B. There would be a distinct identification of the lands to be affected by the Bill, and by putting in a saving clause I think it would be made a good Bill.

157. You are not aware whether there are only portions of two houses erected on the piece of land proposed to be exchanged? No, I know nothing whatever of the property.

APPENDIX.

Downing-street,
13 January, 1831.

(Memorandum.)

Lord Goderich consents to the advance from the Colonial Treasury, in aid of the projected academical institution in Sydney, of a sum not exceeding £3,500, in different payments, in the course of the eighteen months next after Dr. Lang's landing in New South Wales, on condition that previous to each advance the Governor shall be satisfied that an equal sum has been actually expended from the private contributions of the promoters of the undertaking.

It is to be understood that for the sum of £7,000 thus provided,—namely, one-half by subscription and the other by the Government,—all the buildings necessary for the opening of the institution on a reduced scale are to be completed, care being taken that they are so arranged that it may be possible either to increase the establishment to the extent originally proposed, or to confine it to what shall have been done in the first instance.

The proposed buildings to be erected on the ground belonging to the Scots Church, and security to be given on them for the repayment, in five years, of the money advanced from the Colonial Treasury; the five years to be calculated on each instalment from the date of its being advanced to the Trustees.

WEDNESDAY, 10 SEPTEMBER, 1862.

Present:—

MR. MATE,

MR. PIDDINGTON,

MR. SADLEIR.

THE REV. J. D. LANG, D.D., IN THE CHAIR.

William Elyard, Esq., Under Secretary, called in and examined:—

William
Elyard, Esq.
10 Sept., 1862.

158. *By the Chairman:* You have been summoned as a witness before this Committee, respecting a mortgage granted on the property of the Scots Church, in 1832; are you aware of the present state of that? You mean where the mortgage is to be found—the mortgage itself?

159. Yes? I find that in 1841 it was forwarded from the Treasury to the Colonial Secretary, and on the same day, that is, the 20th July, 1841, a note was made to this effect on the letter from the Treasury, "Mortgage forwarded to the Clerk of the Councils, for the use of Committee on the application to be relieved from the repayment of the money." Beyond that I do not find any trace of the document in the Colonial Secretary's Office.

160. You have no subsequent record of it? No. Subsequently proceedings were taken in the Supreme Court for the recovery of the sum for which it was given, and it is possible the mortgage may be in some of the Law Departments—that it may be in the Crown Solicitor's Office, or in the Supreme Court; but there is no trace of it in the Colonial Secretary's Office.

161. Are you aware of the nature of the judicial proceedings that took place on the subject subsequently to this period? Reports have been made at different times of the steps taken, and the state of the proceedings, but I could hardly detail these; this could only be shown properly by reference to the documents. The matter is somewhat intricate, and could perhaps be better explained by some person from the Law Department.

162. You know nothing farther on the subject than what you have stated? I have seen the correspondence that has taken place on the subject of this loan and the mortgage, but it extends

extends over a long period of time, and I do not know that I can state anything generally, although I may afford information in reply to questions on any particular point. As to the present state of the proceedings, that is a question which can of course be more readily answered by the Crown Solicitor, or some of the officers of the Law Department.

William
Elyard, Esq.
10 Sept., 1862.

163. *By Mr. Sadleir*: Do you suppose that mortgage was registered? I cannot state that it was. I do not know anything with reference to the registration of the mortgage, which was a matter of detail to be attended to in the Law Offices.

164. Most mortgages are registered, but that is an old one, and they were not very particular as to registering mortgages in those days? I do not know that I have anything to show whether this was done. (*The witness referred to some papers.*) The paper I have referred to is one dated in 1850, from the Crown Solicitor, but I do not find any notice of the registration. There was a question whether the mortgage was a valid one or not, but I do not know exactly how it affects the case.

165. You do not know the result of the action that took place? No; but there is a note, made in 1850, on a paper in the Colonial Secretary's Office, that the matter was left in the hands of the Crown Law Officers. So it remained until 1859, when the Honorable and Reverend Chairman made some further application to the Government of Mr. Forster, who was in office, to be relieved from the debt. I believe that the matter rested for a further communication from himself on the subject.

166. Have you that application from the Chairman? Yes, a letter from the Rev. Dr. Lang, dated 17th November, 1859, which goes fully into the case. (*Vide Appendix A.*)

167. *By Mr. Piddington*: With reference to the mortgage deed executed in favour of the Government, I think you stated that that deed was handed to a Committee of the Legislative Council in 1841? I find that it was forwarded to the Clerk of Councils, for the use of the Committee in 1841.

168. The Clerk of Councils being a member of that Committee? No. I think Mr. Macpherson was the Clerk of Councils at that time.

169. Ought not that mortgage deed to be in the possession of the Government? No, that does not follow.

170. Was not that mortgage deed a deed executed to secure to the Government the repayment of the sum of £3,500 which had been advanced from the public funds of the Colony? Yes.

171. Should not such document be in the possession of the Government as a security? It does not follow that it should be in the possession of the Colonial Secretary. It was forwarded to the Committee. I do not know that it is not in the possession of some department of the Government. It may be in the Crown Solicitor's Office, where the proceedings in this case have been conducted, but I am not able to say that it is.

172. Do you know whether strict search has been made for this deed? Search has been made in the Colonial Secretary's Office, and the Clerk of Records reports that he has been unable to find it.

173. You are not aware whether search has been made in any other departments for this missing deed? I wrote to the Crown Solicitor to ask if he could trace it in his office, but I understand that he is out of town, so that I have as yet had no answer to my letter.

174. Have you or any other department of the Government the original memorandum from the Secretary of State, Lord Goderich, authorizing the advance of a sum of £3,500 for the "establishment of an academical institution in Sydney"? The despatch from the Secretary of State on the subject will most likely be at Government House; but I think you will find the documents printed with the Report of a former Committee.

175. The memorandum to which I refer appears to be printed in the Appendix to the Report of a Committee of the former Council on the Australian College, and it appears to be printed under the mark C—will you have the goodness to look at that (*handing witness the Votes and Proceedings of the Legislative Council*)—have you any doubt about that printed memorandum being a correct copy of the original? I think it is likely that the Secretary of State may have forwarded to the Governor of the day a copy of the memorandum; but the original appears to have been transmitted from Downing-street to the Rev. Dr. Lang, when in England.

176. I ask you whether you have any doubt that the printed memorandum in that Report is a correct copy of the original from Lord Goderich? Of course I cannot say that it is without referring to the papers.

177. In which of the departments of the Government do you think the original of that memorandum from Lord Goderich is preserved? At Government House, that is to say if it, or rather a copy of it, forms an enclosure, which it is very likely it does, of a despatch from the Secretary of State.

178. Would it be within your province to cause a search for that memorandum to be made? If in the Colonial Secretary's Office.

179. Not if it be in the archives of Government House? I could make inquiry for it, and if there, no doubt it would readily be given.

180. Will you have the kindness to make the inquiry? Yes. (*Vide Appendix B.*)

181. Was the letter of Dr. Lang submitted to the Attorney General or to any other officer of the Government for the time being? Yes, it was submitted to Mr. Hargrave, who was Solicitor General at the time.

182. Had you his opinion upon the case when it was submitted to him in 1859? There was some correspondence between the Colonial Secretary's Office and the Law Department, in which his view of the question submitted to him is stated.

183. Is that to be found in the office of the Colonial Secretary? Yes, these (*referring to letters produced*) are the letters on the subject.

- William Elyard, Esq.
10 Sept., 1862.
184. Do these documents include the whole of the letters that passed between the Colonial Secretary and the Crown Solicitor, or any subordinate in his office? Yes, between the Colonial Secretary's Office and the Attorney General's Office, in reference to the Rev. Dr. Lang's letter of the 17th November, 1859.
185. Will you have the goodness to furnish the Committee with the whole of the correspondence? Yes. (*Vide Appendix A.*)

APPENDIX.

A.

*Colonial Secretary's Office,
Sydney, 5 December, 1859.*

Sir,
17 Nov., 1859.

In transmitting to you the accompanying letter from the Rev. Dr. Lang, soliciting the Government to forego all further claim to the repayment of £3,500, advanced by them for the establishment of the academical institution formerly existing in Sydney, and known as the Australian College, I am directed to request that you will invite the Crown Law Officers to have the goodness to favour the Colonial Secretary with their opinion as to whether the surrender, on the part of the Government, of their claim against Dr. Lang, which he seems to admit in the enclosed papers, would involve an admission of his right to the land, in the purchase of which the money in question was expended, and whether it might follow, as a consequence of such surrender, that the claims of litigants in any cases pending, or lately dealt with by the Law Courts, would be in any way thereby affected or endangered.

I have, &c.,
W. ELYARD.

The Secretary to the Crown Law Officers.

Sydney, 17 November, 1859.

Sir,

I have the honor to submit for your consideration the following statement and request:—

In the year 1831 the Right Honorable Lord Viscount Goderich, who was then Principal Secretary of State for the Colonies, was pleased, at my instance, to direct the Government of this Colony to advance the sum of £3,500, without interest, for five years, for the establishment of an academical institution for the education of youth in this city—the buildings to be erected on the vacant portion of the allotment of the Scots Church.

It was further stipulated that, as I had undertaken to bring out a number of Scotch mechanics to erect the requisite buildings, on the condition of their repaying the cost of their passage out, by weekly instalments from their wages, the sum of £1,500 of that amount should be advanced for this purpose on the arrival of these mechanics in the Colony, I being held exclusively responsible for carrying out these arrangements.

As the vacant portion of the allotment of the Scots Church was deemed too small for the purposes of an academical institution, I had purchased, in the year 1831, a portion of the adjoining allotment of the late Sir John Jamison, with a view to the erection of four plain substantial dwelling-houses, for the masters of the proposed institution; and an experienced master-builder, (the late Mr. George Ferguson, of Bathurst,) whom I had brought out along with the mechanics from Scotland, was directed accordingly, immediately on their arrival, to erect four such houses on the south side of Jamison-street; the said houses to have ashlar fronts, but not to cost more than £750 each, or £3,000 altogether. The further arrangement proposed was that a series of class rooms should be erected on the allotment of the Scots Church; and a foundation was actually dug out for the purpose, at an expense of upwards of £140.

Unfortunately, however, Mr. Ferguson, although a superior mechanic, as his works testify, was a man of extravagant ideas in his profession; for the four dwelling-houses, which were to have cost only £3,000, actually cost from £10,000 to £12,000 before they were finally completed, twelve years thereafter.

In the meantime the institution was got into vigorous operation, under the designation of the Australian College; three University bred men from Scotland having been brought out to conduct the different branches of education, the cost of which, under all these masters combined, was only £12 per annum.

Under the joint management of these masters, the institution had gradually attained so high a state of efficiency as to call forth the highest commendations from the Honorable Sir William Burton, who visited and examined it repeatedly in the years 1838 and 1839. I beg to append herewith Sir William's report on the subject, contained in his work on New South Wales.

The public had been appealed to, on behalf of the Australian College, at the period of its establishment in December, 1831; and had responded in so far to that appeal that about £1,500 was contributed in shares of £25 each, in the first instance, and about £500 additional during the subsequent years of its existence.* But the whole of that money, and greatly more than the whole of it, was expended during the first years of the Institution—1st. In paying the passage out of five or six masters from Scotland, some of them accompanied with female relatives to keep their houses. 2nd. In house-rent for the masters, till the buildings erected for the institution were ready to receive them. 3rd. In salaries for the masters, till the institution became self-supporting; and, 4th. In books and philosophical apparatus, of which there was a large supply, including an air pump, an electrical machine, a galvanic apparatus, Atwood's machine, &c., &c.

In these circumstances, as a series of hostile efforts, to which it is unnecessary to refer more particularly, was made in various quarters, to subvert the institution, by withdrawing from the undertaking the support of the public, and to defeat the important arrangements I had made with the Scotch mechanics employed on the buildings, the cost of erecting and completing these buildings devolved almost exclusively on myself, and the requisite funds for the purpose were derived from the sale of the following items of property of which I was then possessed:—

1. My father's town allotment, consisting of nearly an acre of ground, with a two-story verandah house on it, and fronting Kent-street, Bathurst-street, and Sussex-street, Sydney. This property, which was sold in the year 1832, realized little more than £2,000; it would now be worth at least £12,000.

2.

* The only person who subscribed a large amount towards the Australian College was George Bowman, Esq., of Richmond, whose subscription was £400; of that amount I have pledged myself to return him £300 on the winding up of the affair.

2. The property now known as Petty's Hotel, Church Hill, extending back to Clarence-lane. Clarence-street having been run, with my consent, through my garden, for the loss of which I received no compensation of any kind. This property realized somewhere about £2,500; £10,000 has since been offered and refused for the portion of it comprising the hotel.
3. My father's grant of 2,000 acres of land at Sutton Forest and Bong Bong, which in the year 1835 realized £1,500; it would be greatly more valuable now.
4. Twelve hundred acres of land adjoining the Illawarra Lake. This land was sold in 1836 for £2 an acre; the same land has recently been sold for ten times the amount, or £20 per acre.

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Such were the great pecuniary sacrifices I was led to make in the circumstances I have mentioned, for the advancement of education on the one hand, and for the working out of the important experiment of the Scotch mechanics of 1831, on the other. For the importation of these mechanics, the most valuable of the kind that has ever been made into this Colony, I have never received any compensation whatever.

Had the Government of Sir George Gipps allowed the three masters of the Australian College, salaries of £200, or even of £150, per annum from the public Treasury, the institution would, in all likelihood, have continued in the state of high efficiency which it exhibited in the years 1838 and 1839, when examined by Sir William Barton; but in consequence of the refusal of that illiberal Government to make any such allowance, the masters lost heart, and became discouraged, and in a period of universal speculation that succeeded, they were induced to invest their savings in sheep and cattle, and to become, first virtual, and then veritable squatters. Their attention being thus diverted to other objects and pursuits, their educational duties were neglected, and the institution speedily fell to the ground, inasmuch that in the years 1842 and 1843 I was obliged to pay them £400 to give up their connection with it altogether, that the buildings might be completed and turned to account in some other way. A lecture room or hall had in the meantime been erected, at a cost of about £1,000, that the institution might be carried on notwithstanding, on a somewhat narrower basis.

It was in these circumstances that the Government of Sir George Gipps, acting, as I conceive, on a very erroneous and unfounded impression, instituted an action against myself, as one of the trustees of the Scots Church, for the recovery of the sum of £3,500, which had been advanced on mortgage by the Government for the establishment of the institution, pursuant to the order of Lord Viscount Goderich. I resisted this action on two grounds:—

First,—Because, having been present in Downing-street when the original arrangement was made, in the presence of Lord Howick, (now Earl Grey,) between Lord Goderich and myself, I was given distinctly to understand that it was not the intention of the Government ever to demand the repayment of the advance, provided it should be honestly expended; and

Secondly,—Because although the institution had eventually failed to answer the purpose intended, which however it had then done most effectually for ten or twelve years successively, it was through no fault of mine, but my great misfortune.

The Government were unsuccessful in their action, the elders and congregation of the Scots Church protesting by a cross bill against the mortgage, which was accordingly declared invalid and worthless. Mr. Plunkett, however, having once or twice threatened to revive the claim on the part of the Government, while Attorney General of New South Wales, the security which the buildings present has thereby been damaged and depreciated to such an extent, that whereas in the year 1854, when I was under the necessity of taking a mortgage on the property for £4,500 (which I could then have got from the Savings Bank, at five per cent. had there been no doubt thrown upon the security) I was obliged to pay eight per cent. in another quarter, or £135 a year, for these five years past, more than I should otherwise have required to do.

The institution continued to exist as an educational establishment till the year 1854, not fewer than six hundred of the youth of the Colony having passed through its classes and received a good education, through its instrumentality, during the period of its existence. But the establishment of the Sydney University, and the passing of the Affiliated Colleges Bill in the course of that year, having opened up a brighter prospect for academical education, it was deemed expedient and necessary to allow it to fall into temporary abeyance, till it could be revived on such a basis as to render it conformable with the new educational system of the Colony. This, it is believed, may now be done with great public benefit, by establishing on the still vacant portion of the allotment of the Scots Church an academy or training school, to prepare pupils and students of the Presbyterian communion, from all parts of the Colony, for the Sydney University and the future Presbyterian College.

In order, however, to carry out this contemplated arrangement, it will be necessary to make a definitive settlement of the property created as above-mentioned, so as to adjust all equitable claims upon it; but as this cannot be done without a formal renunciation, on the part of the Government, of all claim for the re-payment of the £3,500 advanced as above stated. I beg to request that, in consideration of the great and important services rendered to the cause of education, through the Australian College, during a long series of years (when the local Government systematically refused all support for superior education), as well as in consideration of the great sacrifices which I had, individually to make, under extraordinary difficulties, in carrying out the arrangements for the importation of the Scotch mechanics of 1831, you will be pleased to forego all further claim for the repayment of the £3,500 advanced, as above stated, in the years 1831, 1832, and 1833.

I have, &c.,
JOHN DUNMORE LANG.

The Honorable the Colonial Secretary.

EXTRACT from Sir William Burton's Report on the Australian College.

The number of students in the College during the year 1838 was 116; of this number 32 attended the Latin classes—the first learning the grammar; the second McGowan's Latin Reading, Part II., and Valpy's Delectus; the third were, at the commencement of 1839, reading Livy, and acquiring the elements of Greek. In the natural philosophy classes, lectures, illustrated by experiments, are delivered, and subjects prescribed, on which the students write by way of exercises. Of these essays (some of which extended to 60 closely-written pages), several hundreds were given in during the year, and several were read with much gratification by the writer of these observations, as showing, in many instances, acuteness of observation and reflection, particularly interesting and useful as indications of the natural bent of the mind of the pupil—each being at liberty, out of a number of subjects proposed, to write upon that which he chose.

In the mathematical class, Euclid's Elements and Bland's Geometrical Problems were used as text books. In the course of the year about 46 attended the classes for natural philosophy and mathematics.

About 70 attended the classes for history and geography. The books used were the common school Histories of Greece and Rome (with questions), and Stewart's Geography.

Nearly the whole number of pupils attended the classes for writing and accounts. Engaged in giving this instruction there were, in the year 1838, and at the commencement of 1839, the Rev. Thomas Aitken, M.A., the Rev. David McKenzie, M.A., and the Rev. Robert Wylde, M.A.—gentlemen possessing every qualification to give instruction in higher branches, but whose time, from the comparatively low estimate at which the standard of a liberal education has at present been held by the Colonial

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Colonial parents, is consumed in a course of elementary instruction. In the Australian College there may be found about thirty or forty students who would prosecute studies superior to those of a common education; but this number is obviously too small to provide funds without other assistance than fees derived from the pupils for the maintenance of teachers devoting their time to the higher branches.

*Crown Law Offices,
Sydney, 24 January, 1860.*

Sir,

Having submitted your letter of the 5th ultimo, together with the Rev. Dr. Lang's request that the Government would forego its claim to the re-payment of £3,500 advanced by them for the establishment of the academical institution formerly existing in Sydney, and known as the Australian College, for Mr. Solicitor General Hargrave's consideration, I am now directed to state that the Solicitor General has perused the papers with every desire to promote the good objects upon which the £3,500 seems to have been expended; but it does not seem to him that there is any present ground shown for the Government to forego their claim for the repayment of the primary advance to this institution.

It seems to the Solicitor General also that there is no legal mode whereby any such *surrender of right* can be made.

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

The Principal
Under Secretary.

*Colonial Secretary's Office,
Sydney, 30 January, 1860.*

Sir,

In acknowledging the receipt of your letter of the 24th instant, conveying the opinion of the Solicitor General on the subject of the Rev. Dr. Lang's request that the Government will forego its claim to the re-payment of £3,500 advanced by it for the establishment of the Australian College, I am directed by the Colonial Secretary to request that you will bring under the notice of the Crown Law Officers, that the opinion in question, however valuable as far as it goes, omits all mention of the effect of surrender or non-assertion on the part of the Government against Dr. Lang, supposing such a course on public grounds either advisable or practicable, upon the rights of other parties with whom Dr. Lang has been, is, or may be engaged in litigation.

2. The letter from this office of the 5th ultimo contained the following inquiry:—"Whether it might follow as a consequence of such surrender, that the claims of litigants in any case pending or lately dealt with by the Law Courts, would be in any way thereby affected or endangered." Such cases, I am to state, the Colonial Secretary thinks have lately arisen.

I have, &c.,
W. ELYARD.

The Secretary to the
Crown Law Officers.

*Crown Law Offices,
Sydney, 8 February, 1860.*

Sir,

In acknowledging the receipt of your letter of the 30th ultimo, in reference to the communication from this office of the 24th of last month, further respecting the Rev. Dr. Lang's application for the Government to forego its claim to the repayment of £3,500, advanced for the establishment of the Australian College, and as to the effect of the surrender or non-assertion on the part of the Government against Dr. Lang, whether it might follow as a consequence of such surrender, that the claims of litigants in any case pending or lately dealt with by the Law Courts would be in any way thereby affected or endangered, I am directed to state, that if Dr. Lang's legal advisers will prepare the draft of whatever deed they wish executed for the purpose of surrendering the Government claim, the Solicitor General will then advise the Government both as to the legal position of the Government in the matter, and as to the effect of such deed of surrender on the interests of other parties. The matter will then assume a more practicable shape than it does at present.

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

The Principal
Under Secretary.

*Colonial Secretary's Office,
Sydney, 23 February, 1860.*

Reverend Sir,

With reference to your letter of the 17th of November last, containing a statement of the circumstances under which a sum of £3,500 was advanced for the establishment of an academical institution for the education of youth of this city, and a request that the Government will forego its claim to the repayment of that amount, I am directed to inform you that the Colonial Secretary considered it necessary to refer, in the first instance, to the Crown Law Officers, to ascertain how far the right of other parties in any case pending or lately dealt with by the Courts of Law would be affected by the surrender of such claim, should such a course be deemed, on public grounds, advisable.

2. The Solicitor General, to whom the case was submitted, has suggested that your legal advisers should prepare the draft of whatever deed they wish executed for the purpose of surrendering the claim of the Government to repayment of the amount in question, upon which he could then advise the Government, both as to its legal position in the matter and as to the effect of such deed of surrender on the interests of other parties.

3. The Colonial Secretary has desired me to communicate to you the above information of what is required to enable the Law Officers to advise in the case, preliminary to its further consideration by the Government.

I have, &c.,
W. ELYARD.

Reverend Dr. Lang, M.L.A.,
Sydney.

B.

COPY of Memorandum enclosed in a Despatch dated 12th January, 1831, No. 14, from the Secretary of State (Lord Goderich) to Lieutenant General Darling, Governor of New South Wales.

LORD GODERICH consents to the advance from the Colonial Treasury, in aid of the projected academical institution in Sydney, of a sum not exceeding £3,500, in different payments, in the course of the eighteen months next after Dr. Lang's landing in New South Wales, on condition that, previous to each advance, the Governor shall be satisfied that an equal sum has been actually expended from the private contributions of the promoters of the undertaking.

It

It is to be understood that for the sum of £7,000 thus provided, namely, one-half by subscription and the other by the Government, all the buildings necessary for the opening of the institution on a reduced scale are to be completed, care being taken that they are so arranged that it may be possible either to increase the establishment to the extent originally proposed, or to confine it to what shall have been done in the first instance.

The proposed buildings to be erected on the ground belonging to the Scotch Church, and security to be given on them for the repayment, in five years, of the money advanced from the Colonial Treasury—the five years to be calculated on each instalment from the date of its being advanced to the trustees.

William
Elyard, Esq.
10 Sept., 1862.

WEDNESDAY, 17 SEPTEMBER, 1862.

Present:—

MR. HOSKINS,	|	MR. SADDLEIR,
DR. LANG,	|	MR. STEWART,
MR. SUTHERLAND.		

W. R. PIDDINGTON, ESQ., IN THE CHAIR.

The Reverend John Dunmore Lang, D.D., a Member of the Committee, examined in his place:—

186. *By the Chairman:* I believe you are one of the trustees of the Scots Church in Jamison-street? I am.

187. The surviving trustee? Yes.

188. I believe it is your desire to make a statement in reference to the Bill before the Committee? It is.

189. Will you have the goodness to make it? I have prepared a statement, which I will read. (*Vide Separate Appendix*).

190. With reference to the agreement that you state was entered into by the trustees of the Scots Church and the Australian College, to exchange two pieces of land in order to square the allotments, I would wish to ask whether that verbal agreement for the exchange was made before any of the college buildings were commenced? It was made before I went to England, in 1830, before the street was opened, and before any buildings were commenced, and it was renewed after my return, before a single stone of the buildings was erected. The street was not opened in 1830 when I went home to England, but we had a plan of the intended improvements made, which I carried home with me, and from which Mr. Ferguson, the architect of the buildings, drew his plans; for it was indispensably necessary that the mechanics whom I brought out should commence operations immediately.

191. I think I understood you to say, that out of your private property you applied the proceeds of the sale of certain estates to the establishment of the Australian College? To the erection of the buildings.

192. I think you stated that you had so applied the proceeds of various estates in Sydney to the amount of £5,000, and in the country to the amount of £2,000, besides a sum of £2,400 from a grant to yourself? The amounts were: For two properties I sold in Sydney, £5,000; for my father's grant of land at Sutton Forest and Bong Bong, £1,500; and for a property I had at Illawarra, £2,400. The last of these items was a property that had fallen into my hands in Illawarra by purchase from the original grantee.

193. The aggregate amounts to £9,400? It amounts more correctly to £8,900.

194. In addition to the £9,400 thus applied by yourself, there was a sum of £3,500 contributed by the Government? I cannot say that. The Government advance was £3,500 altogether, of which £1,500 went, agreeably to previous arrangement with Lord Goderich, to pay for the charter of the "Stirling Castle" and the payment of the passage out of the mechanics I brought out with me.

195. In further addition to the £3,500 there was a sum of £1,850 contributed by the shareholders? Yes; viz:—£1,300 in 1836, and the remainder up to 1841.

196. These several sums make up a total of £14,750? Yes.

197. Was the whole of this sum of £14,750 applied to the building of the four houses in Jamison-street called the Australian College Buildings? I do not understand the question.

198. According to your statement, just read, there have been sums of money applied to the building or establishment of the Australian College, which I make out to be £9,400, from your private property, £3,500 from the Government, and £1,850 from the public, in the shape of shares in or contribution towards the undertaking; these three sums make a total of £14,750; and I wish to ask whether that large sum of £14,750 was applied to the establishment of the Australian College? There are other charges that you have not taken into account—the educational charges. I have not the items just now, but I will add them to my statement.

199. As I understand you, this sum was partly applied to the building of the college, and partly to the payment of current expenses? Quite so.

200. Was not the vacant portion of the allotment of the Scots Church originally granted for a building for the education of youth—I allude to that portion which is vacant between the church and —? The whole of it was granted for the erection of a Scots Church and of such other buildings as the trustees might think fit to erect.

201. Did not Lord Goderich insist, in the memorandum authorizing the advance of £3,500, that the proposed buildings of the Australian College should be erected on the Scots Church allotment? That was the purport of the note —

202.

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202. Authorizing the payment of the money? Quite so. But we found it necessary to have additional ground for the erection of houses for the masters, apart from the series of class rooms to be created on the ground on the other side of Jamison-street.
203. Is there not a portion of ground still vacant belonging to the Scots Church allotment, between the Scots Church and the Australian College Buildings? There is. That was reserved for the erection of a house for the minister; and according to a stipulation entered into before any of the buildings were erected, a half gable was erected on the house that I now occupy, to serve as the intermediate gable for the house to be erected for the minister. That house has never been erected.
204. How is it that only small portions of two buildings, out of four built for the Australian College, have been erected on the land of the Scots Church allotment as stipulated by Lord Goderich? The ground purchased from Sir John Jamison, and nominally exchanged—for there was no real exchange—was deemed indispensably requisite to give sufficient extent for the recommendation of the masters. We thought it was better that the houses should be on the other side of the street, separate from the class rooms; and if the original intention had been carried out, only the smaller portion of the sum to be devoted to the institution would have been expended on the erection of these buildings. £3,000 was the utmost limit to which the architect was to go, and then we should have had £4,000 available for the erection of the class rooms.
205. But, as a matter of fact, the stipulation contained in Lord Goderich's memorandum was disregarded by the authorities of the Australian College in fixing the site of the buildings? We acted in perfect good faith all the while. We found that our ground was too limited for carrying out the plan of the institution, and we were glad to have the opportunity of purchasing, as I did, from Sir John Jamison, the ground that would enable us to carry it out in a more effectual manner.
206. In consequence of that alteration of the design, the stipulation of Lord Goderich with regard to the security to be possessed by the public does not apply to the whole of the buildings called the Australian College Buildings? Certainly not; it applies to the two upper houses, which could never be alienated but with the consent of the Government, and on which they have all along had sufficient security for the whole of their money.
207. Is there any incumbrance existing on the two dwelling-houses next to the Scots Church? There is none that can affect the Government; there is none that can affect that portion of the buildings erected on the Scots Church ground. There is a mortgage on the two lower buildings, and that mortgage extends over the ground purchased from Sir John Jamison.
208. Then it includes a portion of the ground on which fractions of the two upper houses are now built? No doubt it does.
209. Who receives the rents of the buildings erected for the Australian College? A large portion of the rents is absorbed in the payment of the interest on the mortgage.
210. I ask who receives the rents of the buildings? I have received them.
211. Do you receive them now? I do.
212. What is the rental of each house at the present time? They are let at £200 a year.
213. How long have the houses been let at the present rental? I cannot say, exactly.
214. Have they been let for eight or ten years, do you think? Not so long.
215. Perhaps you could furnish the Committee with the information? They have been let since 1854.
216. At £200 a year each? Yes.
217. What is the amount of the mortgage on that portion of the buildings which is mortgaged? It is £4,500.
218. What is the amount of annual interest payable on the mortgage? There are other claims, unfortunately.
219. Do you mean that there is a second mortgage? No.
220. We will deal with the mortgage first, if you please;—what is the amount of interest payable on the mortgage? It is eight per cent.
221. On £4,500—£360? Yes.
222. Then there is a balance of £240, the difference between the rental receivable for the three houses which are let, independently of the fourth, and the amount due for interest yearly? Yes.
223. Who receives that balance? I have received it.
224. To what purpose is it applied? I have all along been paying off obligations contracted in the course of the long struggle in which I was engaged for the founding of this institution; for it left me in debts and difficulties that I have been emerging from gradually in the course of a long series of years.
225. Then I understand you, that though you expended your own money on the buildings, you have received the proceeds from the rentals? I have latterly; but for ten years—for much longer than ten years—I neither received principal nor interest.
226. Will you be so good as to favour the Committee with the dates when the houses were first let, if you can conveniently do so—I would wish to know how long the houses have been let to any tenant for any rental; have they been let ever since they have been finished? No, they were occupied by the masters of the institution. The one next to me was occupied till comparatively recently by two of the masters of the institution.
227. Could you favour the Committee with the date from which they commenced to be let for a rental—if not now, could you by reference? Yes, I could.*

228.

* The particulars will be found in my subjoined Statement, which was not completed at the time the first portion of it was read to the Committee.

228. How were the proceeds of the £4,500, the result of the mortgage, applied? The mortgage was supposed to be on the two lower buildings exclusively.

229. These buildings were for public purposes, were they not? They were intended for public purposes in the first instance, but it was never expected that they should form such a sink for capital as they actually did, so as to render it necessary for me to sell all my property to supply the funds for carrying on the work.

230. As they were intended for public purposes, and have been mortgaged, I would wish to know how the proceeds of the mortgage were applied,—to what purpose the £4,500 was applied? In finishing the buildings. In 1841, when Mr. Thomson's Committee sat, they were mere skeletons.

231. The whole £4,500 was invested in finishing the buildings? And in paying Sir John Jamison £497 for part of the ground.

232. Part of the money was expended in paying for the ground on which the two houses were built, and the remaining portion to finish the buildings themselves? Yes.

233. How long have you resided in one of the college buildings? With the exception of perhaps two or three years, when I rented a house in the neighbourhood, I have resided in one or other of the then unfinished buildings since I sold my own house, which is now Petty's Hotel.

234. Did anyone reside in the house you now occupy previous to your own occupation of it? No. The houses were finished gradually, and the one I occupy was the last finished. I occupied a portion of one of the others before it was completed.

235. You have occupied it for many years past? For a good many years past.

236. You have not paid any rental for it? No.

237. Then you have obtained the advantage of living rent free in one of the college buildings? No doubt; but it has been but a small advantage after all, considering the sacrifices I had made as the principal promoter of the undertaking.

238. As well as the advantage of receiving the balance of £240 yearly for some years past? Yes.

239. Do you recollect what was the nature of the property that was mortgaged to the Colonial Treasurer as security for the advance of £3,500? In accordance with Lord Goderich's despatch, Mr. Kinchela, the Attorney General, limited the mortgage to the ground and the buildings erected on the ground belonging to the Scots Church, when I offered, in the draft of a Bill which I drew up myself, security on the ground purchased from Sir John Jamison also.

240. Have you acquired the consent of any of the original Council of the Australian College to this proposed exchange of public land—the exchange of these two pieces of land? This arrangement was finally made before the Australian College came into existence.

241. Since that arrangement buildings have been erected on the allotment, which alters the entire state of things, does it not? Well, I do not know that it should alter it, if there was a definitive arrangement made before.

242. That was before any money had been invested in buildings on it, was it not? Yes.

243. Was there not a College Council established at the commencement of the undertaking? There was.

244. Are there not some gentlemen still alive who composed a portion of the Australian College Council? In process of time it became defunct, and I had all the expenditure on the buildings to meet from my own resources.

245. Was not the College Council supposed to be the managing body of the Australian College? No doubt it was.

246. Are there not some members of that College Council still surviving? I do not recollect, at the present moment, whether there are; but certainly none of them have ever taken any interest in the institution for the last twenty-five years.

247. Was not Mr. Thomas Barker an active member of the College Council? He was.

248. Mr. Thomas Walker was another? Yes.

249. And Mr. Alexander Berry another? Yes.

250. Have you obtained the consent of any of the survivors of the College Council to the proposed exchange of land? I never thought any such consent necessary, because these gentlemen had withdrawn from the institution for so long a period. Besides, they failed to fulfil the only condition on which they could claim control over the property.

251. These gentlemen contributed sums of money as shareholders, did they not? They did; but this arrangement for the exchange of these two pieces of land was made previous to any expenditure on the ground.

252. When the ground was perfectly vacant? Quite so.

253. Was either of these college buildings used as a newspaper office at any time? One of them, in its unfinished state, was used as a printing office; the one that I now occupy.

254. Was that likely to carry out the original intention of converting them to a college for the instruction of the youth of the Colony? So long as one of the buildings was used in that way it was in an unfinished state, and unsuited for occupation as a private residence; and we had much occasion to regret that we had not had power to avail ourselves of the Press at an earlier period than we had eventually, because the institution was attacked at its commencement in a most unwarrantable manner by a portion of the Press, which, if we had had access to the Press then, could have been easily counteracted or prevented.

255. Did the College Council, as a matter of fact, decide on the expenditure of the money for the buildings? They refused to have anything further to do with them when the public funds failed.

256. Who did decide on the expenditure of the money on the buildings? I had engaged with the Scotch mechanics to give them employment in the erection of the buildings for twelve months

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months after their arrival, and it was necessary to go on with the buildings when they were once begun.

257. Then whatever has been the case it was under your authority that the expenditure of the money took place? No doubt.

258. Would you object to conveying the remaining two buildings to a new set of trustees for the benefit of the Presbyterian youth of the Colony? I do not think the public have any right to anything of the kind.

259. Have not the public contributed a portion of the cost of erecting the buildings? A very small portion indeed.

260. £3,500 in one sum, by your admission, and £1,850 in another, making a total of £5,350? A very small portion of that amount went to the buildings. You will find that a very large portion of it, in addition to the £1,500 I have already mentioned as paid for the passage out of the mechanics, was absorbed in the cost of the educational machinery, as might be expected in the course of the ten years that the institution continued in vigour; besides there is another building on the ground, the hall or lecture room, which you have not taken into account.

261. Was not the money advanced by the Government, as well as the money advanced by individuals, advanced for the purpose of building? The money advanced by the Government was for the erection of buildings, no doubt; but the money advanced by the shareholders was for the establishment of the institution generally.

262. The money advanced by the Government, you admit, was advanced for the purpose of erecting buildings? No doubt. It was advanced for the establishment of the institution generally—not specifically for the buildings.

263. Was not the £1,850 contributed by the proprietors also intended to be applied to the erection of buildings? I cannot say it was. It was intended for the establishment and support of the institution.

264. Could an institution exist of that description before the buildings were erected? It did exist, because we had accommodation, taken on lease; we had Underwood's buildings, afterwards the property of Mr. Wentworth, for eighteen months.

265. These were merely preliminary undertakings, I presume? There were large classes then in those buildings.

266. You do not intend to describe leasehold buildings as the fulfilment of the original intention of building the Australian College? Certainly not, but the use of these buildings implied a very considerable expenditure.

267. Was that previous to the commencement of these four houses? Yes; we commenced the classes immediately on our arrival.

268. Was not a special prospectus issued, calling on the public to subscribe for shares in the Australian College, in 1831? Yes.

269. Was not that the date of the commencement of the Australian College, properly so called? Yes, it was.

270. Then anything that took place previously was preliminary to that—any temporary arrangement, such as you allude to with regard to leasing Underwood's property, must have been preliminary? It was subsequent to the issue of that prospectus. May I ask what is the date of the paper you are referring to?

271. December 23, 1831? It was subsequent to that. For eighteen months we were in temporary accommodation.

272. The temporary accommodation was contingent on the completion of the proposed buildings? Quite so. The great cause of failure, if it can be called so—for I do not admit that it was a failure absolutely, as we had a flourishing institution for ten years that did great service to the Colony—but the great cause of failure, and of my unfortunate loss of my own property, was the extravagant ideas of the architect; he induced us to commence the buildings on the idea that they would be completed for £3,000, and they have cost £12,000.

273. *By Mr. Sadleir*: Would the present mortgages on these properties be affected by the exchange of these two pieces of land? Certainly not; because the Committee have agreed to insert a clause saving the rights of the Government, and I should be most happy to assent to that.

274. I understand you that there is a new mortgage for £4,500—how far would this exchange affect that security? That mortgage affects the whole of the ground purchased from Sir John Jamison; but the reason of that was not that it was necessary to strengthen this mortgage by extending it beyond the two buildings, but because it was deemed unnecessary to incur an additional expense, which the separate deed, at that time, would have caused. I got Sir John Jamison's deed over the whole ground, and the mortgage was on these two buildings. The back ground was considered as not increasing materially in any way the security of the mortgage on the buildings.

275. Do you not think it necessary first to have the opinion of the mortgagee, before we make the exchange, whether the mortgage will be as secure afterwards as before? I contemplated getting the mortgage paid off and the release of this ground.

276. That ought to be done before the Bill is passed. Did not the Government value these buildings through the Colonial Architect at some time or other? They did, when they were only skeletons.

277. Do you recollect what value was then put upon them? I do not recollect; but that can give you no idea either of the value of the houses at present, or of their actual cost, because the mortgage was given to supply funds for finishing them.

278. Can you produce an account of what has been laid out upon them since the valuation? The difference between the valuation and the whole cost will give it.

279. I suppose you could ascertain that? Yes.

280. Did not Lord Goderich and the Government conceive that these colleges were to be applied for Presbyterians generally—this sum of money, £3,500—and not confined to any one section of the Presbyterian body? Of course; there were no differences among Presbyterians at that time.

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281. Therefore, the Presbyterians generally have a claim upon this college? Not upon these buildings.

282. They have a claim as to the £3,500 laid out by the Government? So far from our wishing any exclusive possession of either ground or buildings, as at first proposed, we were anxious to get an Act of Council passed to authorize the trustees of the Scots Church to make over to the trustees of the institution the whole of this ground on which the buildings were to be erected. We acted in *bonâ fide* in the matter. The institution was intended for the education of youth generally, and also with a view to the education of young men for the ministry.

283. Of the Presbyterian Church generally? Yes.

284. Not confined to any one section? Certainly not.

285. Who are the persons or the person holding the portion of the allotment of the late Sir John Jamison mentioned in this Bill? The ground was purchased from Sir John Jamison and paid for by myself.

286. Then you are the proprietor? Yes, I am.

287. Who is the surviving trustee of the Scots Church? I am the surviving and only trustee at present.

288. Then this exchange is to be an exchange of two portions of land with yourself? Quite so. That is the necessity of the case.

289. *By Mr. Stewart:* The large amount that appears to have been expended was not limited to the erection of the buildings, you say—it was used in the promotion of the establishment generally? Quite so. For instance, we had to provide salaries for the masters or professors for a certain time from the commencement of the institution, and that had to be taken from the capital, as well as the cost of their coming out.

290. Of the £14,500, the total amount that appears to have been obtained from the Government, from private contributors, and from your own private property, not more than half was laid out on the buildings? I could not say, exactly.

291. A very large amount of expenditure was incurred in the management of the establishment generally? Quite so.

292. And you felt justified in expending the money to promote the object? It was done by order of the board of management, the College Council at the time.

293. *By the Chairman:* I understood you to say the College Council took very little interest in the progress of the undertaking after a certain period? Quite so; after there were no more funds to carry it on.

294. *By Mr. Stewart:* They did not take any part after liabilities were incurred? No; I had actually to pay twenty per cent. interest till I began to sell my own property.

295. *By Mr. Sutherland:* You stated that you receive some £240 from the buildings after paying interest on the mortgage now—do you mean that you have that clear money, or do the buildings only bring in that in the year—are the buildings constantly let, and is the £240 clear of out-goings? Not exactly. There are considerable expenses involved in the proprietorship of buildings under any circumstances.

296. The reason that made me ask the question is, that I have seen the buildings idle myself sometimes. The supposition is, from your previous answer, that they are constantly let? No, that is not the case. I merely state the general fact as to the rent of the buildings when occupied. They have generally been occupied.

297. *By Mr. Stewart:* Out of the £240 the expenditure for repairs has to be deducted? Yes.

298. *By Mr. Sutherland:* You state that you occupied one portion of one of the buildings for some time as a printing office—was it in a position to be let for any other purpose at the time? No, it was merely a skeleton building; it was not partitioned nor plastered.

299. Then it was occupied for that purpose because it was lying idle, and could not be used for any other? Quite so.

300. *By the Chairman:* Has much money been expended on repairs since 1854? A great deal.

301. Could you say how much? I could not say. There has been a constant outlay.

302. Has there been more outlay than is usual on buildings of a similar class belonging to other proprietors? I fear there has, because the roof was not calculated for the climate, in the first instance; it was formed on the Scotch models, where the climate is very different.

303. Can you make any reference with a view to furnish the Committee with an account of the money expended since 1854 in repairs? I am sorry I could not. It has just been paid as it was incurred.

304. Is there any second mortgage on the buildings? There is not; but there are claims against myself—for the ruin that ensued from this whole affair involved me in debts and difficulties that I have been emerging from gradually all along, and there are some of these still affecting me, although not in the form of a mortgage.

WEDNESDAY, 24 SEPTEMBER, 1862.

Present :—

Mr. SUTHERLAND,
Mr. PIDDINGTON,Mr. STEWART,
Mr. SADLEIR.

THE REV. J. D. LANG, D.D., IN THE CHAIR.

Thomas Barker, Esq., called in and examined :—

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Esq.
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305. *By the Chairman*: Do you recollect being present at a meeting that was held in Sydney in the month of December, 1831, for the establishment of an academical institution called the Australian College? I was at a meeting at the latter end of the year 1831, but whether it was in the month of November or December I cannot say; it was some time during the latter end of the year, I believe.

306. Do you recollect that a resolution was passed at that meeting to the following effect :—
“ That a capital of at least £3,500 be raised, in shares of £25 each, payable by instalments, for the establishment of the said college; and that, as the Right Honorable Lord Viscount Goderich, His Majesty’s Secretary of State for the Colonies, has been graciously pleased to grant a loan of £3,500 from the Colonial Treasury to assist in accomplishing so desirable an object, on condition that a similar amount shall previously be expended on the part of the public, the sum of £3,500 shall accordingly be raised, and applied in erecting the requisite buildings and in meeting the other expenditure already incurred; provided such expenditure shall be found conducive to the general interests of the institution”? Yes, I recollect it. The expenses there referred to were your own personal expenses at Home, I think, and for various appliances which you had brought out with you, and so far as they were conducive to the interests of the institution they were to be paid for. You were to be repaid for that outlay.

307. Is it accordant with your recollection of the facts to state that on the faith of this pledge being redeemed within a reasonable period—that is, within eighteen months, or thereabout—Dr. Lang engaged, with the concurrence of the other trustees, to convey to the College Council, on the part of the shareholders, the whole of the vacant ground belonging to the Scots Church for the purposes of the institution—apprising the local Government at the same time of the said engagement, and offering the Government, agreeably to the original stipulation with the Secretary of State, security for the above-mentioned sum of £3,500, to be advanced from the Colonial Treasury on the whole of the buildings then erecting for the College, as well as on all the ground either originally belonging to the Scots Church, or obtained partly by exchange and partly by purchase from Sir John Jamison? No, I do not recollect that; I recollect you stating, I think at an earlier meeting, that you had authority from the Secretary of State for the Colonies to draw from the Colonial Government the sum of £3,500 for the erection of a college. But I think it is very likely that what you state may be true—that the land was to be made over to trustees of the Scots Church for the use of the college; but I do not recollect any condition being attached to it as to the time when it should be done.

308. Is it not likely, when Lord Goderich had fixed the time, that the same period would be fixed in reference to the trustees of this academical institution? I cannot say what would be likely; I have no recollection of any time being stated, certainly.

309. You cannot state positively that it was not? No, I cannot.

310. Can you state whether the trustees of the academical institution redeemed this pledge—whether they raised that sum within the period mentioned? They were progressing, but they were stopped by yourself from progressing beyond a certain extent. If you wish, I will, as briefly as I can, state the circumstances connected with the matter, as far as I recollect them. We were appointed (I was among the number—there were about 12, I think—10 or 12) as a body—called by you a Senate, I think—for the purpose of managing the expenditure on this building; and we were to have the whole management, including the appointment of the masters and the expenditure of the money. We took shares, I think, to the extent of two thousand four or five hundred pounds, and we commenced operations.

311. You do not mean to say that the money was paid? I think it was not all paid—at least, I am not aware. I think about £2,000 were paid. Our first difficulty with you, sir, was in reference to the building of these houses instead of a hall. We were all impressed with the opinion that a hall would have been a far better thing to build than these lodging-houses. However, after a great deal of argument from yourself, we gave way, seeing that you had determined these houses should be built. The next difficulty we had, which caused a dispute and the separation of the Senate from yourself, was in reference to the building of the four houses. We commenced upon good faith, and with a determination to build two houses only. We found our means inadequate to the erection of four. You attended at all our meetings, acting as secretary, and you took down the resolution in a formal manner, that only two houses should be erected for the present, until we could ascertain whether more funds could be obtained. But in spite of this resolution, we found the four houses still going on. We remonstrated with you on several occasions. You stated that you had endeavoured to carry out our orders, but that they would proceed with the buildings. I think I asked you myself, who paid the money, and you said that you did. We all then said that of course you had the power to stop the buildings and carry out our instructions; but notwithstanding this, the erection of the four buildings still continued. The gentlemen became very much dissatisfied, finding that they had no control over the expenditure, as was intended, and they refused, in fact, to attend your meetings afterwards. I was then a personal friend of yours, and I went round with

with my horse, on several occasions, begging them, as a personal favour, to come and reconcile matters again. I did succeed in getting a meeting or two, but they terminated in the same unsatisfactory manner. You were so self-willed, you would not be controlled by us, and we had to give you up as a hopeless case. They saw plainly that if they built four houses they would get into debt and difficulties, and they were determined not to run such a risk. Hence our business ceased as a Senate, and you then carried on as you could yourself, of which I know very little. You found funds in some way or other, but how I cannot say. So far as the intentions of the Senate were concerned, I am sure they were *bonâ fide*, and that they would have done all in their power to carry them out if you had done, as I conceive you ought to have done, your duty as Secretary and Principal of the College. It was you that drove us away.

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312. Is it not possible that the difficulties may have originated on the other side as well? I assure you that at the time I was most anxious not only that the college should be carried on, but even, as far as I could, to carry out your views. I was very desirous to do so, and I assure you I took this trouble myself in order to effect it; but you would not be controlled, and the Senate would not submit to your dictation, so they gave you up as hopeless in that respect.

313. Were you not aware that the gentlemen forming the institution at first were positively informed that I was under an engagement to give the mechanics I had brought out employment for twelve months in the erection of the buildings? Many of them were employed. I do not know about your being under an engagement with them. I know they were employed on the buildings.

314. Are you aware what amount was actually raised, up to the year 1836, by the public, for the general establishment of the institution? I have in my pocket a list of the shareholders; and I think the amount of £2,400 was subscribed. I know seventeen hundred and some odd pounds were paid, and I think Mr. George Bowman paid £200* afterwards—making close on £2,600.

315. Can you state what was the amount paid up to 1836, when the meeting was held? I cannot say what was the precise date, but I have one of the original lists with me. There is no date to it. I have taken a copy of it. The number of shares taken was 98, which, at £25 per share, amounted to £2,450—of which £1,715 were then paid. I observe that Mr. George Bowman took additional 10 shares, which would give about £200 more.

316. *By Mr. Piddington*: Is that a copy of the original list of shareholders? It is an original list that I have found among my old papers.

317. Would you have any objection to hand that paper in? I will hand it in. (*Copy handed in. Vide Appendix A.*)

318. *By the Chairman*: Are you aware that, at a meeting you attended in 1836, it was ascertained by yourself, Mr. Wallace, and a third gentleman, whose name I forget at present, that up to the 29th June, 1836, the whole amount paid by the subscribers was £1,300? No, I cannot say.

319. Do you recollect that? I do not, indeed. This (*Appendix A*) is an old document that I found among my papers. It gives the amounts paid, and the name of every person who had paid, but there is no date to it. Several of them have only paid £5 I see. This I believe to be an original document, and that (*Appendix A*) is an exact copy of it. It shows, as I have already stated, that £1,715 were actually paid, besides £200 subsequently by Mr. Bowman.

320. There is no date to that? No, I am sorry to say there is not. There is my indorsement at the back, but there is no date.

321. Do you recollect the amount that had been expended at that time for the support of the institution generally? No; I never saw any accounts from you stating what you had expended or received, or anything connected with the proceedings in regard to the buildings.

322. There was a printed report of that year? A printed report, arising out of a report.†

323. Of a meeting? I do not recollect.

324. The whole amount contributed up to the 29th June, 1836, had only been £1,300, and the sum expended for the support of the institution and bringing out the masters had been £1,320? It strikes me that this (*original of Appendix A*) was written by Mr. Wallace—do you recollect if that is Mr. Wallace's handwriting?

325. I do not recollect? I am sure it is a correct document, and I am pretty sure that it was written by Mr. Wallace, who was in the Treasury then, and acted as Treasurer for the College. And if that be correct (and I believe it to be), there was at least £1,915 paid up out of the £2,450 subscribed.

326. You are not aware of the amount of expenditure incurred for the maintenance of the institution until the 29th June, 1836? No, I do not recollect ever seeing any account of it at all. As far as I am concerned, I may say that we were in absolute ignorance of the expenditure or receipts of the property; and we have been from that time to this, except from what appeared in the report of Mr. E. Deas Thomson, on the Government Committee.

327. You are not aware that the expenditure incurred for the maintenance of the institution, independently of the buildings, up to that period, had exceeded the whole amount then contributed by the public? No, I do not know, indeed.

328. One item being £1,300 and the other £1,320 18s.? No; but the fees from the scholars must have been something very considerable.

329. It was making allowance for everything—this was Mr. Wallace's own statement? Oh!

330. When did the gentlemen connected with the management of the institution retire from it? I have no memorandum of the date; but they must have been a considerable time

* NOTE (*on revision*):—The Chairman acknowledged Mr. Bowman did pay £200.

† NOTE (*on revision*):—This could not refer to the expenditure on the building.

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- time with you—I do not know how long. I know we had a good many meetings, and that at last they became very unpleasant indeed—so much so, that I, as well as others, did not like to attend—from the unpleasantness of the discussions arising out of your determination to complete these four buildings. We found we had not money enough to complete them all, and we did not feel justified in jeopardizing ourselves, by running into debt several thousand pounds. I may state, that there was a considerable feeling against yourself throughout the whole procedure, inasmuch as you had assisted in the formation—or rather, in laying the foundation—of the Sydney College, in which I had taken some £200 shares, and others also; and that having gone a certain length with them (as a member of the committee, I think, or in some capacity of that kind) you all at once turned round, went home, and came out again, to our astonishment, with the apparatus of a college. Mr. Thomas Walker came to me, on your arrival, to decide what should be done—whether we should go into the matter with you or not. We thought you had acted so unfairly towards the shareholders of the Sydney College, that we took some time to consider what steps we should take—knowing that there would not be room for two colleges, and that if they were established one would injure the other; at last we did decide to “take you by the hand,” as they called it. There was a very strong feeling against you for having acted in this unfair manner, and that was one of the reasons why so few shares were taken up.
331. May there not have been reason for my withdrawing from the Sydney College? I know that these were our feelings.
332. I attended the laying of the foundation stone, and paid £5 towards it, but it was conducted in such a manner that I had no hope of its going on? I am only telling you the cause. There existed a strong feeling against you, in consequence of your having acted in an unfriendly spirit, as they thought, against the college you had endeavoured to establish, and towards which you had induced many of us to place money, not with a view perhaps to investment, but for the benefit of the country.
333. Are you not aware that it was the success I met with at Home that led to the revival of the Sydney College, after it had gone down? No, I am not aware of that; we always understood that you stated to Lord Goderich that the Sydney College was in the hands of such persons that it would never go on.
334. I never made such a statement? That was reported to us; that while it was in the hands of such people it would never make any progress; and that you then induced him to give you the loan of £3,500.
335. Are you aware whether there was any foundation for such an allegation? It was stated so, broadly and openly.
336. No doubt; but are you not aware that there are many calumnious statements made entirely without foundation? No doubt.
337. Especially when people find that their interests are thwarted by the proceedings of parties opposed to them in any way?— I am quite aware that there was such a feeling, but I deny that there was the slightest foundation for it. I never gave Lord Goderich any such information—never, either directly or indirectly; but I had very strong reasons for withdrawing from my connection with the Sydney College. It did not go on during my absence until the tidings had come of my return? I think you are wrong there.*
338. Do you recollect when the Sydney College was commenced as an educational institution? No, I have no recollection of the date.
339. Do you think it was commenced before the 1st January, 1835? I cannot tell you; I have nothing by me to show whether it is so or not, neither have I turned my attention to the fact; but I feel sure that we were progressing, because I know that we felt disappointed at your coming out as you did.
340. By Mr. Piddington: You were a member of the Council of the Australian College, and a shareholder? Yes.
341. Was not the Australian College originally put forth as an institution to be founded on the principle of a body of proprietors or shareholders? Yes.
342. Have you any prospectus of that institution? I have; the whole of it is printed in the *Sydney Herald* of Monday, January 2nd, 1862. (*Produced.*)
343. Have you any objection to hand in that prospectus to the Committee? No. (*Paper handed in. For prospectus, vide Appendix B*) It will be seen from that, that the Senate were to have the whole control of the funds of the institution, and particularly with regard to the building.
344. Who was responsible for the expenditure of the money received from the Government and from the shareholders? Dr. Lang took the whole management of it.
345. Do you recollect anything of the terms of the memorandum of Lord Goderich, under the authority of which the Government advanced the sum of £3,500? I think it is mentioned there (*memorandum referred to*). One condition was, that an equal amount should be subscribed by the shareholders, and another was (I do not see it here), that the houses should be built on land belonging to the Scots Church.
346. I think you will find it there? Yes—“The proposed buildings to be erected on the ground belonging to the Scots Church, and security to be given on them for the re-payment, in five years, of the money advanced from the Colonial Treasury—the five years to be calculated on each instalment from the date of its being advanced to the trustees.”
347. Are you aware whether either of those conditions was carried out—the first being that the public should subscribe a sum equal to that of the Government; and second, that the whole amount subscribed should be expended in erecting buildings on the Scots Church allotments? Neither of them.

348.

* NOTE (on revision):—The Chairman stated that the death of his father, who was coming to Sydney to assist in the erection of the Sydney College, caused him to withdraw from it.

348. Upon whom rests the responsibility of not complying with those conditions? With regard to the first—the non-contribution by the public of the amount specified was, I fear, owing in a great measure to the feeling against the Rev. Dr. Lang, and to his non-compliance with the resolutions of the Senate. I have no doubt that if he had only gone on to build the two buildings we should have continued in office and carried them through. There was no other intention on the part of the Senate than to carry the project right through.

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349. And with regard to the location of the building? I have not examined the matter myself, but I have always understood that these buildings were not erected upon land belonging to the Scots Church.

350. Do you know any reason why the stipulation contained in Lord Goderich's despatch was not complied with? I cannot say.

351. Do you know any reason why Dr. Lang did not convey to the Government the whole of the ground (and the buildings) upon which the Australian College was built? No.

352. If Dr. Lang was under an engagement with the Scotch mechanics to find them employment, could they not have been employed in building a college hall in accordance with the wish of the College Council, instead of building lodging-houses? No doubt; it was our determination to build a hall. The fact is the plans and everything connected with the houses were made on board ship, if I mistake not, and the Doctor felt that it would be better to build them first, and we could not get him to build the hall.

353. In the erection of a building intended for a college, are not those buildings connected with the college hall of primary importance? I think so.

354. Of more importance than residences for the masters? We thought so.

355. And notwithstanding your opinion to that effect, Dr. Lang did not carry out your instructions? I would not say that, because although we wished it, Dr. Lang persuaded us eventually to give way to him; we gave way to him.

356. *By the Chairman:* Do you not recollect that the buildings were intended to afford each a class-room, along with accommodation for a master and boarders? Yes, I recollect you saying that each building should contain a class room for present purposes.

357. And do you not recollect that it was only when it was found that this building for the accommodation of the masters would be much more expensive than was contemplated, that the idea of building the hall was abandoned for a time? No; the building was abandoned altogether, in the first instance, when you commenced the houses. When I say "abandoned," I should say "not altogether," perhaps, because in the course of years we might have raised money again; but we saw that we had not money sufficient to build these four houses, and therefore we could not build a hall too.

358. Do you not recollect that an excavation was made for the foundation of the hall? Very likely it was, but I do not know of it.

359. Showing the intention of going on with it? It was always in our minds in the first instance to have a hall, but was abandoned as before stated.

360. Are you not aware that that excavation exhibits itself to the present day on the Scots Church ground? It may be so, but I do not recollect ever to have seen it.

361. *By Mr. Piddington:* Are you aware that the sum of £3,500 was advanced to aid in erecting the college buildings? I believe there was.

362. Do you know who received that money? I believed Dr. Lang received it; it was at his control; we had no control over it; I think we gave Dr. Lang control over the money because he had become personally responsible for large liabilities.

363. Do you know anything of the position of the four college buildings, as they are termed, at the present time—are they used for collegiate or scholastic purposes or not? They are not now used for that purpose at all, I believe.

364. Do you know whether they are used as lodging-houses for private individuals? They have been so used for many years.

365. Do you know how the money received as rental from these lodging-houses is appropriated? I have always understood that Dr. Lang received the rents.

366. Do you know whether the rents are devoted to the education of the Presbyterian youth of the Colony, in accordance with the original intention? Certainly not; they have not been so employed for many years past.

367. Do you know anything about a second mortgage effected by Dr. Lang for £4,500? I do not, beyond report, therefore I say I do not.

368. And you do not know how that sum of £4,500 was appropriated? I do not.

369. As a shareholder of this institution, would you have any objection to a new trust being created to carry out the original intention of the proprietors of the college, and to apply the buildings to the purpose for which they were originally intended—the education of the Presbyterian youth of the Colony? I should have no objection. I gave my money for educational purposes, and so long as it was so employed I should be glad to let it remain, under proper management.

370. Would you have given your money for such a purpose if you had had any idea that the buildings would have been let as private dwelling-houses, and the rents of those buildings received by Dr. Lang, and applied by him to his own private purposes and use? Most certainly not; nor would any of them have (the shareholders) subscribed for that purpose, I am sure.

371. Do you think such an appropriation justifiable on any ground whatever? I do not. I myself have been particularly dissatisfied about it. If the money had been employed as it was intended to be employed I should have been most happy.

372. Does not such an appropriation amount, in fact and in principle, to a practical fraud upon the intentions of the original projectors of the Presbyterian College? It certainly is a misappropriation of the money. It was intended for a special purpose—that of public education,

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- education, and it has not been so applied for many years past. Therefore, it is a misappropriation of the money.
373. If the rental were thrown into the sea could it be a greater misappropriation in principle than the manner in which it is now employed? It is misappropriated. It could not be worse than that. It is an improper act. There is no doubt of that on my mind.
374. You do not consent to any surrender of your rights as an original shareholder of the Australian College? No.
375. *By the Chairman*: If the whole of the money contributed by the public during the first four and a half years of the institution was expended in its maintenance—in the payment of the masters, and in the other necessary expenditure of the institution—do you think it could be expended also on the buildings—the same money? Whatever money was expended belonging to the shareholders must have been expended long before the institution could come much into operation, because the buildings were erected immediately. You had the men at work when they were landed, and the money was soon spent.
376. Do you think that if the whole of the money to 1836 contributed by the public was expended in the maintenance of the institution, independently of the buildings, it could also have gone towards the erection of the buildings? It must have been expended on the buildings first, before anything else was done. The first thing done with the money was, I believe, to expend it on the buildings.
377. I beg your pardon? The men were set to work immediately.
378. No doubt—but had there not been a large expenditure incurred in bringing out the masters and the machinery of the institution? I do not know what expenses you might have incurred in that way.
379. *By Mr. Piddington*: Was not the £3,500 advanced by the Government, as well as the money contributed by the shareholders, mainly expended in erecting these four buildings? I should think it was. The money was employed immediately. There was no money but that to go on with the buildings.
380. Was not that the object stated in Lord Goderich's memorandum, and was not that the condition under which he authorized the payment of £3,500 by the public? Yes, and it was for that purpose we took the number of shares we did.
381. You thought the erection of the building a condition precedent to the carrying out of the institution as a college? Yes, that was the primary one, no doubt.
382. *By the Chairman*: Was the whole of the expenditure for the maintenance of the institution (I mean for the payment of the expenses incurred independently of the building)—was not that, from time to time, agreed to be warranted by the College Council? I do not recollect it, indeed; it may have been, because I think the fees from pupils were paid in to the treasurer.
383. Do you not recollect that yourself and Mr. Wallace and a third party ascertained at the time I have mentioned (in June, 1836,) that there had been expended in that way, up to that time, £1,320? More than had been received?
384. No, expended altogether? More than had been received by fees of the college from the boys?
385. Oh, yes? No; I do not, at all.
386. I have a statement to that effect? Oh!
387. *By Mr. Piddington*: Out of what funds could these four buildings have been erected unless out of funds contributed by the public, either through the Treasury or by the shareholders? I know of none, during the existence of the Senate.
388. Have you any reason to doubt that the whole of the £3,500, together with the sum contributed by the shareholders, was expended in the erection of buildings, so far as it went? I think not.
389. *By the Chairman*: Do you believe that the money contributed by the shareholders appeared twice—in the payment of the general expenditure, and in the payment of the expenditure on the buildings also? No; the money of the shareholders was given for the erection of the buildings; there is no doubt of that. I recollect at your meeting (it is stated there) you stated you had been at some expense; and so far as we found that expense had been incurred in a manner conducive to the interests of the institution, we were willing to allow you, but nothing beyond that. I do not recollect that you ever furnished any account of those expenses; you may have handed in an account of what you had expended, but I do not recollect that you ever did so.
390. *By Mr. Piddington*: Was not this undertaking to be dependent on the contributions in the first instance? We relied on these on coming to the conclusion to build two houses; we looked upon this money as for that special purpose.
391. If the institution gradually became involved, the Council of the Australian College does not bear any part of the responsibility? Certainly not; we were driven from our duty.
392. When Dr. Lang bought the land from Sir John Jamison, was it not purchased as a site for the college? That I cannot say. I do not think I had anything to do with the purchase of the land. I have heard it reported, but I do not know of my own personal knowledge.
393. And you do not know whether the land bought was paid for by money raised by a mortgage on the college buildings? No, I do not.
394. *By Mr. Stewart*: Have you read the preamble of this Bill upon which the Committee are called to report? "To legalize the exchange of a portion of the allotment of the Scots Church, Sydney, for a similar portion of the allotment formerly belonging to the late Sir John Jamison." I always understood it was paid for by you—this piece formerly belonging to Sir John Jamison?
395. *By the Chairman*: It was? This is not correct, then, is it—one is to be conveyed for the other?

396. There was a nominal exchange, as I have mentioned in my statement.
397. *By Mr. Stewart:* Do you see any objection to making the exchange? I think, as matters stand now, no exchange should take place until Dr. Lang's account is settled. I think some competent person—an accountant—should go into these accounts from the beginning to the end. I think Dr. Lang should be paid whatever may be due to him, but there should be a regular account given of all that was received and paid. The primary thing is to settle the money part. I do not suppose that either the shareholders or the Government want their money back; but it should first be determined to whom the property belongs, before it is exchanged.
398. You, as one of the original shareholders, would feel an objection? I have an objection to any movement being made until the money part of the matter is finally adjusted.
399. You are not aware of any arrangements being made with any other persons in connection with the college buildings than Dr. Lang, with reference to the exchange? No.
400. Were the Council not aware at the time these buildings were going on that an allotment had been purchased? I think I have heard of an exchange between Sir John Jamison and the Trustees of the Scots Church, but we certainly thought the money was expended on the land in possession of the trustees. It was some years afterwards that I heard (I think, through Mr. Norton) that it had been conveyed to Dr. Lang for uses.
401. *By Mr. Piddington:* What do you understand by "uses"? For the trustees.
402. And not for private purposes? No.
403. *By Mr. Stewart:* With respect to the expenditure of the money—A sum of £1,300 was alluded to by Dr. Lang in his statement as having been contributed up to 1836, which sum, and more, had been expended for the support of the institution;—do you not think that was a legitimate expenditure in connection with the establishment of the college—the money going to pay the professors and others? I cannot say; I only know this, as I said before, that the money obtained from the shareholders, as well as that got from the Government, was spent immediately on the buildings.
404. But was there not a college going on? There could not have been many scholars. The building was the primary thing, and must have been commenced before anything could have been done by the professors. The men were set to work immediately.
405. But if there were professors here, and if the college was going on, do you not think that would be a legitimate mode of expending the money? My idea is, that Dr. Lang was to be allowed certain expenses while he was at Home, but whether the amount was ever fixed or not I cannot say. I know this, that the money got from the shareholders and the Government was to be applied to the buildings. We calculated to the full extent of both when we decided to build these two houses, and when we found that Dr. Lang insisted upon having the four houses gone on with at once, we gave the matter up.
406. *By the Chairman:* Supposing the money actually contributed by the public was expended for the salaries of the professors and the rent of temporary buildings, could it also be expended in the erection of these buildings? No; but the buildings went on so rapidly that I am sure the money of the shareholders was swallowed up directly.
407. You are under a great mistake? I am not. We looked to the pounds, shillings, and pence, all of us.
408. Do you not recollect that temporary accommodation was taken for the institution for 18 months, before any of them got into the buildings? It is likely there may have been. I believe the business of education commenced before the new buildings were ready for the reception of professors.
409. Where would the rent of that temporary accommodation be derived from but from the funds of the institution? There were the fees from the scholars themselves to meet the expenses.
410. You have just stated that there would be but few scholars at first? But as you went into one expense you got on with the other.
411. But was it not necessary to pay salaries before scholars were got? It might have been; I cannot say.
412. Was not there a considerable expenditure incurred in apparatus and philosophical instruments for the institution—apparatus brought from Home? You said you had these—that Dr. Uhr had made you a present of them.
413. No, not a present—I had to pay every sixpence? I understood you to say that he had given them to you? No, I had them from his laboratory. He told me the cost would be considerable.
414. *By Mr. Piddington:* Was it a correct course to enter into any engagement with masters before the college was commenced? We had to take Dr. Lang as he was, with his masters and all his appliances; we had very little control; we did what we could to get a hall erected; we failed in that; we did all we could to avoid getting into debt, but we found that Dr. Lang was determined to run into debt, and we left him. I will read you some of the names of the men associated together in this matter, and you will see that they were all business men, and not likely either to mislead Dr. Lang, or to be misled by him. The Senate was composed of Rev. Dr. Lang, Principal; Barker, Thomas; Berry, Alexander; Burdekin, Thomas; Campbell, Robert, tertius; Jones, Richard; Riddell, C. D.; Walker, Thomas; Mitchell, Major; Perry, Captain; Chisholm, James; Ramsay, Dr. We were all anxious to make the best of it, but as we could not control the Doctor we were obliged to leave him.
415. *By Mr. Stewart:* You are not clear whether the establishment was going on in the way stated by Dr. Lang? I dare say it was.
416. That would be a legitimate mode of expending the money, would it not? My impression is, that the money was spent at once. There were a great many men employed.

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Esq.
24 Sept., 1862.

- T. Barker, Esq.
24 Sept., 1862.
417. Do you think £1,715 were paid up shortly after the commencement of the building? No, I think not. I cannot say how soon. I paid up my own at once, and my brother paid in full; Mr. Berry paid in full. Some of them only paid one instalment, and others two.
418. It is possible that these payments may have extended over three or four years? They may have done—I cannot say; I think it is very likely.
419. *By the Chairman:* What funds would have been available for the erection of the building, supposing the whole of the contributions of the public, up to the period mentioned, were expended in the maintenance of the institution—from what other source would they be derived? I cannot tell.
420. You cannot tell? No; I know that you got this sum of £3,500 for the erection of the buildings, on condition that an amount equal to that was subscribed by the public for that particular purpose, and therefore the money we gave could not properly be applied to any other than building purposes. I think you will find it in your prospectus there. I think the conditions are mentioned on which you received the money from the Secretary of State for the Colonies.
421. *By Mr. Piddington:* There is no doubt about that;—it is part of Lord Goderich's memorandum, and it is in the prospectus as well? (*Prospectus referred to by witness*):—
“That a capital of at least £3,500 be raised in shares of £25 each, payable by instalments, for the establishment of the said college, and that as the Right Honorable Viscount Goderich, His Majesty's Principal Secretary of State for the Colonies, has been graciously pleased to grant a loan of £3,500 from the Colonial Treasury to assist in accomplishing so desirable an object, on condition that a similar amount shall previously be expended on the part of the public, the sum of £3,500 shall accordingly be raised, and applied in erecting the requisite buildings and in meeting the other expenditure already incurred; provided such expenditure shall be found conducive to the general object of the institution.”
422. *By the Chairman:* You see it is quite evident that the expenditure was to be for the general purposes of the institution, buildings included? The amount that Dr. Lang had paid for the parties he had brought out should be charged against this, no doubt, so far as might be conducive to the interests of the institution.
423. *By Mr. Stewart:* As part of the appliances necessary to the establishment of the college? Yes. I think it would be right, as far as concerns the parties brought out for the college.
424. *By the Chairman:* If the whole of the contributions of the public for four and a half years were expended in maintaining the institution, independently of the building, would there be any fund available from the public for the erection of the buildings? You know, Dr. Lang, that what was paid up by myself and others was paid immediately, and I am sure the money went at once on the buildings, and you then had to borrow money immediately. The things you had arranged for with Dr. Uhr might have been charged, but I do not recollect an account ever being shown us of what you claimed.
425. *By Mr. Stewart:* You are sure about that circumstance of the other buildings being engaged for the use of the college, and the college going on for eighteen months prior to the occupation of the new college buildings? I dare say that was the case. No doubt there must have been some place for the professors to go into in the meantime, but I do not know what was expended in this manner.
426. You have no recollection of the circumstance coming before the Council? No.*
427. *By Mr. Sutherland:* Did the professors come out in the same vessel with the mechanics? I think so.
428. Was there any charge upon the Senate for bringing the professors out, or any parties for the institution? No, I do not recollect whether the passages of the professors were paid by anybody, or how they were paid. I do not recollect anything about that part of it. I do not think any account of that kind was laid before the Senate. It strikes me that we have not had any account of it. We may have had, but I have no recollection of it.
429. Supposing money had been paid for that purpose—would the intentions of the shareholders be carried out by paying the passages of professors, and applying money in payment for books and other requisites? I think, had Dr. Lang's account been placed before the Senate they would have decided that any reasonable expenses incurred, in connection with the institution, should be paid by the institution in some way or other.
430. The moneys received by the shareholders was under the control of a Senate appointed by themselves? We were a body of men, appointed at a meeting—not by ourselves; but we had little or no control. Dr. Lang always had the arrangement of the money part. I think Mr. Wallace was the treasurer. He was a clerk under Mr. Riddell.
431. Then, if the institution was started in buildings rented for the purpose, as soon as the professors landed they would go into them, and they must have been for a considerable time in those rented buildings before the new houses could be got ready for them? Yes. I do not know the time, but they went into the new houses before they were finished. The internal parts of the houses were not finished.
432. And any moneys spent by the Senate or Directors at the time, in paying the rent or any other necessary expenses, would be money properly applied within the meaning of the terms? Of course the expenses would be put against the receipts. There should have been some account showing what was received from the pupils and what was paid to the professors, and I dare say any balance between them would have been met by the Senate if they had continued.
433. If they had continued? If they had continued.

434.

* ADDED (*on revision*):—I think the current expenses, which would include the salaries of the professors, must have come before the Senate.

434. Did the Senate give up before the money was expended that was raised by them? We saw it go very fast, and as we had no control over it we left. T. Barker, Esq.
435. You have stated that they were all business men? Yes.
436. Do you think that if they left this matter in the hands of one man, they were doing their duty as business men? We had so little control. We never got the money. Dr. Lang was Principal and Secretary, and we left our instructions with him, which were never carried out—in these two instances. 24 Sept., 1862.
437. As a proof of their being business men we must take their acts? Yes.
438. Was it proper for them to allow Dr. Lang or anybody else to have the whole control, and to guide them, instead of their guiding and directing themselves? When you have a very wilful man at the head of an establishment it is very difficult to guide him, and when you find you cannot do so without quarrelling, the best thing is to leave him, and that was the course we took.
439. But you are not aware whether the money raised by the Senate, or by property, or by the shareholders, was spent before you left the concern in the hands of Dr. Lang? No, I think it was not all spent. I do not think we were aground for money, quite.
440. You were not quite aground for money? No; but looking before us, we saw that we should soon run into debt if things went on as Dr. Lang insisted, and we left, seeing that we could not get our orders carried out.
441. As prudent business men, you saw difficulties arising, and left it? We saw we could not control it, and we were therefore obliged to leave it.
442. Can you give us the date, or about the time, when the Senate left? No, I cannot.
443. Previous to the time of your leaving, I suppose the money was voted by the Senate? The money was borrowed.*
444. But the expenditure was voted and controlled by the Senate? I do not fully recollect how the business was carried on. We trusted to Dr. Lang. He had the whole ruling of the thing. We came in to advise him, but he took into his own hands the management of almost everything.
445. You stated in reply to a previous question, that you differed in reference to the mode of expending the money many a time, but that the Senate of ten gave in to Dr. Lang? In the first place we wanted to build a hall, and we thought Dr. Lang would have been so disposed himself. He then told us of the necessity of building these houses, and said he would take care that there was a class room in each house sufficient for the purpose contemplated. He said this would be much better for the institution, and we gave way to him.
446. Then this was the act of the Senate as well as that of Dr. Lang? Yes, we acceded to his request in that respect.
447. *By Mr. Sadleir*: Will you be kind enough to look at the heading of this Bill—it is for an exchange of a portion of the allotment of the Scots Church, Sydney, for a similar portion of the allotment formerly belonging to the late Sir John Jamison;—do you think these portions are similar, considering that there are houses built upon the one, and no houses built upon the other—do you think they are similar in value? I think that if they were both bare pieces of land when the arrangement was made, that arrangement should still be carried out.
448. Was there an arrangement made of that kind? I am supposing that when they agreed both pieces were vacant. In that case faith should be kept.
449. Do you think it was justifiable to build under these circumstances? Certainly no prudent man would build upon land until he had it secured or conveyed.
450. He would not build upon a mere verbal arrangement? No.
451. The expression here—"an allotment formerly belonging to Sir John Jamison"—does that show to whom the land belongs now? No.
452. Is not that a very loose way of wording the Bill? I thought it was very undefined.
453. Do you not think it would be better to say—an allotment formerly the property of Sir John Jamison, and now the property of the Rev. Dr. Lang? It should be more definitively described.
454. Were you aware that Dr. Lang had purchased that land for himself? Certainly not.
455. Would you have felt yourself justified in laying out money on this land had you known it was Dr. Lang's private property? No; because we were laying out the money of other shareholders as well as our own.
456. And you conceive that you are deceived in some measure in that respect? I think we were.
457. *By the Chairman*: Do you know when the land was finally purchased from Sir John Jamison? I do not; I had nothing whatever to do with it.
458. Do you think it was purchased before 1841? I cannot say; I had nothing to do with it; I never acted in any capacity to bring myself in contact with Sir John Jamison or yourself in reference to that matter.
459. Was not there a pledge to convey the whole of the ground required for educational purposes, along with the portion purchased from Sir John, to the trustees of the institution—was there not an express pledge to that effect? I am not aware of it; but if I had known that this had been conveyed to yourself, or that any promise had been made to convey it to yourself, or to any one individual, I should not have spent my money on it.
460. *By Mr. Sadleir*: Is the money of the shareholders included in the building? I think so.
461. So that you consider you have a claim to this building? I do.

462.

* *Revised*.—The payments were probably voted by the Senate, but on account of Dr. Lang having undertaken large liabilities for the college, he was allowed to deal with the money almost uncontrolled.

- T. Barker, Esq.
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462. Are you aware that the other shareholders have given up all claim to it? No.
463. They still consider that they have a right? Yes, I think so. I would have no objection to the money remaining, providing the buildings were applied to educational purposes as originally intended; or if the buildings were sold and the proceeds so applied, I would be satisfied.
464. Do you know how much Dr. Lang contributed? No.
465. Have you any idea? No.
466. He states that he sold property worth £9,000, and he has led us to believe that a good deal of that property was invested, not only in the buildings, but also in expenses—are you aware whether this property was so invested in the buildings? No. I know that he did sell several properties.
467. Were the members of the Senate in any way a party to the engagement of the mechanics who erected these buildings? No; it was entirely Dr. Lang's doing, so far as my recollection goes.
468. Was any account rendered to the Senate by Dr. Lang, or any other parties, in reference to this building? I have seen no accounts that I recollect, except this, which was in a report by Mr. E. Deas Thomson, and which has been before you. It has been a matter of regret and dissatisfaction in my own mind that Dr. Lang has not given us the particulars of the account of the whole expenditure and receipts in connection with the erection of these buildings—and subsequently, since they have been held by him. I have often thought that he should have called a meeting of the shareholders and rendered an account of what the buildings cost, and what he had advanced himself; and I now think, as I have before stated, that some accountant should be employed to bring up the account to the present time from the beginning, before any steps are taken to convey the land.
469. Do you know that the Government valued these buildings some time since? I have heard so.
470. Have you any idea of what the value was said to be? I cannot exactly say. Buildings were not so expensive in their erection then as at present. Still, the mechanics were good workmen, and the buildings were about the best erected at that time, I think. I dare say they would cost £1,500 or £1,600 each—something under £2,000 each, I think, they would cost at that time.
471. Did Dr. Lang bring out these parties on his own authority? Everything was done unknown to anybody here. We were astonished one morning to find that Dr. Lang had arrived with all these appliances.
472. Did he do this entirely on his own responsibility? Quite, as far as I know anything about it.
473. Do you think the college can be resuscitated as a public institution? I could scarcely say. It depends upon whose hands it goes into; it depends upon the management. If it were placed under proper management it might.
474. How would you proceed if Dr. Lang were to say he was the proprietor of the lands, and you were to attempt to resuscitate the college—he has possession of all the property? The primary thing is to settle the accounts. Whatever is due to Dr. Lang, pay him. If he has no claim, of course the property should go to the proper trust, as originally intended.
475. What was the object of the institution—was it for the benefit of Presbyterians generally, or for any particular sect of Presbyterians? It was for the benefit of the Presbyterian body, to prepare ministers for the Church; but at the same time, it was to take in students from all classes and sects. It is stated: "That the business of each day be commenced and closed with an appropriate prayer—that the Holy Scriptures be read regularly in the English classes—and that instruction in the general principles and duties of the Christian religion be afforded at stated times—as, for instance, every Saturday, at the close of the ordinary business of the week; but that no attempt be made, either directly or indirectly, to proselytize to the tenets of any particular denomination of Christians, and that those pupils or students whose parents or guardians may object to their receiving religious instruction at all, be allowed at all such stated times to withdraw."
476. Lord Goderich in giving £3,500, do you suppose he did so in order that this college might be open to all parties? I think so.
477. Do you think he ever contemplated the idea of these colleges being turned into lodging-houses? Certainly not; we were supposed to be following out the instructions given by Lord Goderich in the way we had been acting. It was to carry out his intentions that we took shares.
478. You consider that Dr. Lang's dictation to the Senate, and his not rendering accounts, broke the Senate up? Yes.
479. *By the Chairman*: Do you not think it was the failure of the gentlemen representing the public to fulfil the pledge into which they had entered? They could not do so.
480. They could not do so, of course, because they had not the money? But they would have done so if you had been controlled by them.
481. But was not the condition of the management being placed in their hands their fulfilment of that pledge? I have before stated the cause—the difficulty was in governing you it all arose from that. If you had gone on co-operating with them in a fair and proper manner, there is no doubt they would have kept with you, and the whole thing would have been carried out successfully; I am convinced of it, because they all had a strong feeling in favour of it. They would not have shrunk from it if they had been treated as gentlemen ought to be treated.
482. There was an express pledge that an amount of £3,500 should be contributed for the institution by the public within a reasonable time? You may call the passing of a resolution at a meeting a pledge, but I must say I did not take any pledge of the kind.

483. *By Mr. Piddington*: If there was a pledge precedent, that £3,500 should be subscribed, the buildings ought not to have been commenced at all? Certainly not.

T. Barker,
Esq.

484. *By the Chairman*: Do you think it would have been reasonable for the trustees to have surrendered their allotment to a body that entered into such a pledge and did not fulfil it? I am not aware that they did pledge themselves in any way, but I am quite sure that, as far as practicable, they fulfilled their engagements.

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485. Do you recollect what the cost of education was in the institution while it subsisted? No, I do not.

486. Do you think it was more than £12 a year for all branches? I have no recollection of it at all. I sent some boys to it, too, but I forget what I paid.

487. Supposing that was the amount, do you think there would have been a great saving? It might have paid expenses, I think, but I will not give my opinion about it, because I have no recollection of the matter.

488. Do you recollect that the buildings that are erected were erected on the ground purchased from Sir John Jamison, because the other ground was not deemed of sufficient extent? No, I do not. There is a large space between the uppermost house and the church yet, you know, Doctor.

489. It is on the other side? The other side is not used. (*Map produced*)

490. *By Mr. Piddington*: That is, where it was supposed the college buildings would have been erected, I presume? On the other side.

491. No—the interval between the church and the principal building? It might have been arranged to build the hall on the other side.

492. *By the Chairman*: On Church Hill? Yes. At our first or second meeting you put it out of our mind, and would have these lodging-houses put up, and we gave way.

493. *By Mr. Sadleir*: Do you think, looking at this Bill, that it would be possible for any Parliament to pass such a measure, conveying the land to a “person or persons”—who are the persons? There is only one trustee.

494. There is only one trustee, Dr. Lang, and there is nothing here defining what they are? I think so many trustees should be named. It should not be left to one trustee, certainly. I suppose the deed of grant would arrange for the appointment of other trustees.

495. It says it is necessary that a small triangular portion of the allotment should be sold, but it does not say how it is held—it might be by mortgage or marriage settlement—it does not say the size of the land, nor describe its boundaries;—do you think it possible that any Parliament could pass such a Bill? It would be impossible to say how it would apply; at least no stranger could say.

496. *By the Chairman*: Would it not be very easy to supply that? It should be supplied. I think some description—a tracing of the boundaries—should be here inserted. There should be something more definite than this.

497. *By Mr. Sadleir*: And there should also be the names of the trustees and the proprietor of the property? Yes.

498. *By Mr. Stewart*: It could be amended if the objection did not exist primarily? It might.

499. *By Mr. Sadleir*: The whole Bill is the most imperfect document I ever saw? I still maintain that no steps should be taken until the money part is settled. Whatever way that may terminate I do not know. I think that should be the first step. You are going to convey land here upon which people have subscribed money.

500. And there are mortgages, too? I do not know about mortgages. I have subscribed money, and yet you are now going to convey the land to persons I know nothing about.

501. *By the Chairman*: You seem to think that the money yourself and the rest of the public subscribed could be expended twice, in two different ways? No, I do not.

502. That the same money could be expended on the buildings and in support of the institution? I do not; because I feel convinced, from my knowledge of the facts, that the money was spent on the buildings, and that very soon after it was received.

503. I know the reverse? —

504. *By Mr. Piddington*: Is it possible that the £3,500 from the Government, and about £2,000 from the shareholders, could have been expended on the current expenses of the institution, and not at all on the building? It is not at all likely.

505. *By Mr. Stewart*: A statement has been made that £1,500 was advanced by Lord Goderich to defray the expenses of passage—are you aware of any such advance? No.

506. That would leave £2,000 available for colonial purposes—but you are not aware of that circumstance? No.*

507. *By Mr. Piddington*: But if a sum of money were paid to defray the passages of these mechanics, is it not likely that they were under an obligation equal to that amount to expend their labour on the college buildings? I think that was the arrangement with Dr. Lang.

508. Which would make it come to the same thing? Yes.

509. *By Mr. Sadleir*: Have you any idea how many mechanics were brought out? No; but there were a good many, and they were a fine body of men.

510. Were they all employed on the building? I cannot say.

511. Well, £1,500 appears to have been expended in bringing out all the mechanics;—how many were employed on the building? I cannot say; a good many of them were employed, and the work went on rapidly; the money was soon spent.

512. It may be that part of this £1,500 was expended on persons who had nothing to do with the building? Very possibly some may have been employed elsewhere.

513.

* ADDED (on revision):—It is possible Dr. Lang applied a portion of the money to meet the payment of the passages of the workmen.

- T. Barker,
Esq.
24 Sept., 1862.
513. The Bill is to legalize the exchange of land—how far would a Bill of this kind affect the different mortgages on the property? I cannot answer that question. I am not sure about it.
514. *By Mr. Sutherland*: Who were the Council or Senate elected by—were they elected in accordance with the prospectus of the college as set forth in this paper (*Appendix B*)? I think we were elected at the meeting therein mentioned.
515. In accordance with the terms of the prospectus? Yes; it seems all to have been put in the paper immediately afterwards.
516. I see by rule 6—“That the said Council shall have the exclusive management and disposal of the funds of the college and the entire control of all matters relative to the erection of buildings, the appointment of masters, the amount of salaries, the regulation of fees, and the purchase of property, books, or apparatus for the college; and that the said Council shall submit a statement of their accounts and a report of their proceedings previous to their laying down their office, at the annual meeting of the proprietors?” We were to be appointed annually.
517. I suppose the councillors—being the best business men in the Colony—have carried out the regulations under which they were appointed? I suppose they did, as far as they could.
518. *By Mr. Sadleir*: That was not very far, I believe? No.
519. *By Mr. Sutherland*: Then in whose hands was the college left when the Senate left it? In the hands of Dr. Lang.
520. Was that in accordance with one of the regulations too? What?
521. That he was not to desert it if everybody else did? I stated before that we were prevented from carrying out our duties, and that we therefore gave up.
522. Is it not one of the rules that Dr. Lang was not to be allowed to give up? He might have given up, too, if he pleased, I suppose.
523. I see, from the 14th of the rules—“That the Rev. John Dunmore Lang, D.D., be the Principal of the said college, but without emolument, and without any active share in the business of education, until the completion of the arrangements into which he had entered with His Majesty's Government for the establishment of the said college, and also with certain Scotch mechanics for the erection of the requisite buildings, and with certain parties in England, for the payment of books, apparatus, &c.; on the completion of which arrangements he shall surrender the said office into the hands of the Council?” Yes, he made himself liable for a number of things there, and it was right he should have a control, pending those liabilities.
524. There were twelve beside him, but the matter was left in his hands? He had to protect himself for the liabilities he had incurred. He had a right to hold on until he got extricated or exonerated from these liabilities.
525. Did the Council exonerate him from these liabilities? No.
526. Is there any account shewing that he has been exonerated? I know of no account rendered to us yet of the amount of these liabilities.
527. Did Dr. Lang go to England, before the appointment of this Council, to bring out the professors and mechanics? Oh, yes, of course. I have before stated that we did not know he was gone for that purpose. It was only when the vessel arrived that we knew, and we were taken by astonishment that he had brought out these people.
528. I think you misunderstand my question? Perhaps I do.
529. Were you appointed before he went to England? Certainly not; how could we have been?
530. On his arrival here you were surprised to find that he brought with him a staff of officers? The persons connected with the Sydney College were.
531. I suppose he laid some statements before the college on his arrival—you had several meetings after Dr. Lang's arrival? Of course we had.
532. And, as a matter of course, the business for which he had proceeded to England would be laid before those meetings? I do not think Dr. Lang was very clear in his statement of accounts.
533. I am not asking you that? It was one of Dr. Lang's faults that he did not render accounts. I believe I may say, with reference to the church, in the same way, to which I may have been a small subscriber; it has been so throughout his life; he has been averse to rendering accounts as a public person should have done. I think he ought to have done so, both with regard to the college and to the church.
534. What am I to understand by your answer—that no account of this matter was laid before the Council? I would not say that, but I do not recollect any such account.
535. Then he may have laid an account of this matter before the Senate, and they may have sanctioned all he did, for what you know? Yes; I cannot recollect anything about that, but I do not think he did.
536. Is it not likely that you, being a Council, would have all these statements laid before you, if you did your duty? They ought to have been laid before us, but it is not very likely that they were.
537. Then it is not very likely that the Council did their duty at all? If Dr. Lang did not furnish us with the accounts how could we act?
538. *By the Chairman*: Do you think business men, like those you have described, would consent to pay, in four and a half years, £1,320, without getting an account of the particulars? I am not sure that they did pay that sum.
539. You were present at the meeting when it was ascertained, and do you not think that my failure to give accounts in such circumstances is rather a popular calumny than anything else? Perhaps it is; I think you are rather indifferent about money generally.
540. And don't you think the reason why I have been slack sometimes is, that I have had

- to pay it sometimes out of my own pocket? I do not know. I have always thought you very unwilling to give accounts of public matters of which you ought to give account.
541. *By Mr. Stewart:* Do you recollect the date when the Council discontinued? I do not; I have no papers by me connected with the matter. Dr. Lang acted as secretary, and kept all the accounts. He kept all the minutes of what took place, and I have nothing by me.
542. Your objection now is, that the accounts during the period the Council was acting are not clear? No; I know nothing of what the buildings cost, what has been received, or what has been paid, beyond general statements. I have seen no particulars—no correct account such as ought to be exhibited.
543. *By Mr. Piddington:* I think, according to the prospectus of the college, the College Council were to have had the control over the expenditure of the money—as a matter of fact, had they or had they not that control? They had not.
544. Who did expend the money, or under whose authority was it spent? I cannot say who Mr. Wallace looked to for authority to pay. We had very little authority at all. If we had had authority we should have insisted on the buildings being stopped—that is, we should have stopped them; we did insist upon their being stopped, but our wishes were disregarded.
545. The money power was in the hands of the Council? No, we could not control the builders—they would go on with the four houses. That was the cause of the final wind-up between Dr. Lang and the Senate—the continuation of these four buildings against our direct resolution to the contrary.
546. *By Mr. Stewart:* If a statement of accounts has been made up by the treasurer, Mr. Wallace, would you take that as a correct statement? Yes, I would.
547. Up to the date? Yes. I do not know that he can specify for what purpose each amount was paid.
548. You think it would be correct if made up by Mr. Wallace? He was a correct person.
549. *By Mr. Sutherland:* Have you seen these accounts of Mr. Wallace? No.
550. Do you know if the Senate has seen them? I do not recollect, as I said before, any account being furnished.
551. *By Mr. Piddington:* Have you seen the examination of Dr. Wallace, as taken before the Select Committee of 1841? No. (*Evidence handed to witness.*) Here is what I complain of. There has been no account given of the moneys received. There have been large sums received as fees paid by the boys; but it says here (*evidence of Dr. Wallace*):—"There is also a rough copy of a general statement of receipts and disbursements to the end of 1835, by which it appears that up to that time the sum of £1,500 had been received from the Government; the sum of £1,300 had been paid by the shareholders upon their several shares; and a further sum of £1,407 6s. 1d. had been received by the treasurer as class fees of students." This £1,400 had been received at that time.
552. *By Mr. Sutherland:* From what? From the fees of the students.
553. What is the date of that? It is a copy of the receipts and disbursements to the end of 1835. £1,400 had been received up to that time. The following were the disbursements up to the same period:—"To Dr. Lang, the sum of £2,430 15s. 4d.; to the several professors and teachers of the institution, the sum of £1,613 0s. 10d.; and for repairs, printing, and other incidental expenses, the sum of £112 19s. 10d.—leaving a balance in the hands of the treasurer of £50 10s. 1d." It says also: "I observe by the bank pass-book and from other documents that some further sums have been received by the treasurer, from the instalments upon shares and from class fees, but which had been fully disbursed in payments for repairs and other incidental expenses, and in advances to Dr. Lang to the further amount of £458 7s. 4d. I find also that my late brother advanced the sum of £60 to defray the passage of the Rev. Mr. Aitken, which amount still remains as a claim upon the funds of the institution." There was this large sum received for fees.
554. *By the Chairman:* Do you know what arrangement was made in regard to those fees? No. In what respect do you mean—the appropriation of them?
555. Were they not to be divided in certain rateable proportions among the masters? I believe they were to be so divided.
556. And the masters were to have a salary besides? They were to have a capitation fee and a small salary.
557. Do you think it was likely that the institution would make a great profit? I do not think so.
558. The fees did not exceed £12, and there were the three masters? I do not think they made a great profit, but I think it is likely that the fees paid a great portion of the expenses.
559. I think they paid very little? I think the professors got only £100 a year, but in 1835, £1,400 had been received for fees.
560. Which was paid to the masters? Well, supposing —
561. *By Mr. Piddington:* There is no statement of accounts in connection with the institution, either with regard to the cost of the buildings, or the current expenses? There is none that I recollect. This is Mr. Wallace's account.
562. *By Mr. Sutherland:* You say you were one of the first members elected to the Council, Mr. Barker? Yes.
563. You were elected along with others whose names are here appended? Yes.
564. Dr. Lang had not gone to England then? This all took place after his return.
565. Then the Council confirmed the opinion of the meeting that he should be reimbursed for all these expenses mentioned in the 14th rule here—that is, for bringing out the mechanics

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Esq.

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- T. Barker, Esq.
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- mechanics and —? No, no; not at all. He was not to give up his power until he was reimbursed —
566. But he was to be reimbursed? He had to pay back the £3,500 to the Government; that was one thing mentioned there.
567. That shows clearly that the College Council and the public knew at the time that these expenses had been incurred for the college? No, I do not think that; because he had other expenses, you know, for which he had made himself liable—expenses with which we had nothing at all to do.
568. I mean those mentioned in your rules? You make a mistake there. Dr. Lang says, "There! I have made myself liable in various ways, and until I am relieved from my liabilities I shall not give up my power;" and we agreed to let him do so.
569. I do not look upon this as Dr. Lang's matter, but as one in which the shareholders are concerned—it is a Company? You are wrong.
570. I look upon these as the rules of the Company—there was a meeting of the shareholders of this institution? Very good.
571. And these are the rules agreed to by the shareholders? To a certain extent. We allowed him to hold a certain position.
572. Until these conditions are complied with? Yes; we merely permit him to hold that position.
573. Did you understand that there was any liability on the part of the institution for these things? You will see that we agreed to pay certain expenses incurred by Dr. Lang, provided we found it conducive to the interests of the institution.
574. *By Mr. Piddington:* There was an agreement, limited? Yes.
575. If the Council thought that the globes, books, and apparatus he had brought out would be of value to the institution, to that extent, they say, will we allow that in account with Dr. Lang? Yes.
576. *By Mr. Sutherland:* I suppose the Council adopted these (*vide Appendix B*) as rules for their guidance? That is the basis of the institution.
577. These rules were for the guidance of the Council until they were legally altered? They were for the government of the institution altogether.
578. And one of the rules for the government of that institution was, that Dr. Lang should hold his position until the whole of these payments were made good? Yes.
579. Was it not usual at that time for all Government emigrants coming to this country to be ensured twelve months' work? I think not. Of course, if you engaged men in England, you could engage them for a year. When I went Home I engaged men for three years; but it was for a special purpose. I should not think of bringing out persons and guaranteeing them work for three years, unless I required their services.
580. What I wanted to know was, whether it was not the general practice at the time—whether it was not a rule of the Government, that mechanics brought out here were to have twelve months' work found them? I never heard of it.
581. *By the Chairman:* Do you think, Mr. Barker, that having entered into the specific engagements I had contracted, and of which I apprised the public on my arrival, I could recede from my position at the suggestion of men who were under no responsibilities of the kind? You might have kept these men employed (I suppose you allude to their employment) in finishing these two houses, and then it is very possible, when they were finished, that we might have got money enough to complete the other two. But when we found we had not the means at our disposal to finish the four at once, and that you, nevertheless, persisted in going on with them, it was our duty to take the course we did, quite irrespective of any engagement you had made with the mechanics. The mechanics could have been employed elsewhere.
582. *By Mr. Piddington:* The Council had not identified themselves in any way with the engagement of the mechanics? No, they had nothing at all to do with the mechanics.

APPENDIX.

T. Barker,
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A.

SUBSCRIBERS TO THE AUSTRALIAN COLLEGE.

	SHARES.	AMOUNT SUBSCRIBED.			AMOUNT PAID UP.		
		£	s.	d.	£	s.	d.
Barker Thomas	5	125	0	0	125	0	0
Barker James	2	50	0	0	50	0	0
Bell (late) James	1	25	0	0	10	0	0
Berry Alex.	1	25	0	0	25	0	0
Botts Jno.	1	25	0	0	10	0	0
Bowman Wm.	2	50	0	0	50	0	0
Bowman Geo.	2	50	0	0	50	0	0
Do. (additional)	10	250	0	0	50	0	0
Brodie Hugh	1	25	0	0	25	0	0
Burdekin Thomas	4	100	0	0	40	0	0
Campbell Robert	3	75	0	0	15	0	0
Campbell Robert, tertius	2	50	0	0	20	0	0
Carmichael H.	1	25	0	0	10	0	0
Chisholm James	2	50	0	0	50	0	0
Chisholm James, junr.	2	50	0	0	50	0	0
Craig A.	1	25	0	0	25	0	0
Galbraith G.	1	25	0	0	25	0	0
Gardner Peter	2	50	0	0	50	0	0
Gilchrist Jno.	1	25	0	0	5	0	0
Henry James	1	25	0	0	10	0	0
Hill Dr.	2	50	0	0	20	0	0
How Robt.	1	25	0	0	10	0	0
Hunt E.	1	25	0	0	10	0	0
Inglis T.	1	25	0	0	10	0	0
Jones Richard	4	100	0	0	100	0	0
Kerr W. H.	1	25	0	0	10	0	0
King James	1	25	0	0	10	0	0
Lang Dr.	2	50	0	0	50	0	0
Lord G.	1	25	0	0	5	0	0
M'Lymont Mrs.	1	25	0	0	10	0	0
MacLaren Jno.	1	25	0	0	10	0	0
M'Naughton —	1	25	0	0	10	0	0
M'Vittie Thos.	2	50	0	0	50	0	0
Manning J. E.	1	25	0	0	10	0	0
Mais Dr.	1	25	0	0	10	0	0
Mestre De Peter	1	25	0	0	25	0	0
Mitchell Major (late Sir Thomas)	2	50	0	0	10	0	0
Moore Thomas	2	50	0	0	50	0	0
Morgan W.	1	25	0	0	10	0	0
Perry S. A., Capt.	1	25	0	0	5	0	0
Ramsay Dr.	1	25	0	0	10	0	0
Rankin G.	2	50	0	0	50	0	0
Reid Dr.	1	25	0	0	25	0	0
Riddell C. D.	2	50	0	0	50	0	0
Spark A. B.	2	50	0	0	50	0	0
Stephens W.	1	25	0	0	10	0	0
Walker Thos.	4	100	0	0	100	0	0
Walker William	4	100	0	0	100	0	0
Wallace —	1	25	0	0	25	0	0
Winder T. W.	2	50	0	0	50	0	0
Bowman Wm.	2	50	0	0	50	0	0
Coghill J.	2	50	0	0	50	0	0
Wallace Dr. F. L.	1	25	0	0	25	0	0
	98	2,450	0	0	1,715	0	0

B.

AUSTRALIAN COLLEGE.

A MEETING of the shareholders of this Institution, and of other friends of education in Sydney and its vicinity, having been held this day, in Mr. Underwood's Buildings, Church Hill, pursuant to advertisement, Campbell Drummond Riddell, Esq., Colonial Treasurer, in the chair, the following resolutions were unanimously adopted as the basis of the future constitution:—

I.—That an Academical Institution be formed in Sydney, for the education of youth in the higher as well as the elementary branches of useful knowledge.

II.—That the said Institution be designated "The Australian College," and be available for pupils or students of all religious denominations on the most moderate terms.

III.—That a capital of at least £3,500 be raised, in shares of £25 each, payable by instalments, for the establishment of the said college, and that as the Right Honorable Lord Viscount Goderich, His Majesty's Principal Secretary of State for the Colonies, has been graciously pleased to grant a loan of £3,500 from the Colonial Treasury to assist in accomplishing so desirable an object, on condition that a similar amount shall previously be expended on the part of the public, the sum of £3,500 shall accordingly be raised, and applied in erecting the requisite buildings, and in meeting the other expenditure already incurred—provided such expenditure shall be found conducive to the general object of the institution.

IV.—

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IV.—That each shareholder be a proprietor of the college, and be entitled to vote at all general meetings of proprietors, in the proportion of one vote for every share he may hold; but that no proprietor shall have more than five such votes, whatever number of shares he may hold.

V.—That the government of the college shall be vested in a council of thirteen, twelve of whom to be annually chosen by the whole body of proprietors, and the thirteenth to be a member of such council in right of office, as hereinafter to be stated; any proprietor being eligible as a member of council, and five members to constitute a quorum.

VI.—That the said council shall have the exclusive management and disposal of the funds of the college, and the entire control of all matters relative to the erection of buildings, the appointment of masters, the amount of salaries, the regulation of fees, and the purchase of property, books, or apparatus for the college; and that the said college council shall submit a statement of their accounts, and a report of their proceedings, previous to their laying down their office, at the annual meeting of the proprietors.

VII.—That the college shall, in the first instance, comprise the four following departments, viz. :—

1. An English department, for English, and English literature.
2. A mercantile department, for writing, arithmetic, book-keeping, &c.
3. A classical department, for the Latin and Greek languages,—and
4. A mathematical and physical department, for mathematics and natural philosophy; the establishment of the college to be gradually extended, according to the state of the funds and the wants of the Colony; but to include, from the outset, under one or other of these departments, provision for the instruction of pupils in the French, Italian, and German languages.

VIII.—That each of these departments shall be intrusted to a separate master, with the designation of professor; to each of whom a free house, capable of accommodating a few boarders, and a salary of £100 per annum, shall be given on the part of the college.

IX.—That moderate fees shall be paid by each pupil or student in the said college, varying in amount, according to the classes he attends; a certain portion of which shall be appropriated to the respective masters, independently of the salaries above mentioned, the remainder to form a college fund, for the payment of salaries, the extinction of debt, &c., and for securing a dividend to the proprietors, under certain limitations to be fixed hereafter by the council.

X.—That there shall be a principal of the said college, who shall also be a professor, having the management of one or other of the departments of education comprised in the institution, and being elected by the college council; and that the said principal shall have the general superintendence of the internal affairs of the institution, especially in regard to morals and discipline, making provision for the due observance of the rules of the college, and forming the medium of communication between the professors and the council, of which he shall be a member in right of office.

XI.—That the principal and professors shall constitute a senate for the regulation and management of all matters relative to the business of education, the enforcement of discipline, the division of labour, and the superintendence of the library and museum; and that the principal shall have a casting vote at all meetings of the senate.

XII.—That the senate shall meet once a month, the council once a quarter, and the general body of proprietors once a year; but that extraordinary meetings may be held on any occasion of emergency, viz., of the senate, on the requisition of the principal—of the council, on that of the chairman or of any three members—and of the general body of proprietors, on that of ten proprietors.

XIII.—That the business of each day be commenced and closed with an appropriate prayer—that the Holy Scriptures be read regularly in the English classes—and that instruction in the general principles and duties of the Christian religion be afforded at stated times, as, for instance, every Saturday, at the close of the ordinary business of the week; but that no attempt be made, either directly or indirectly, to proselytize to the tenets of any particular denomination of Christians; and that those pupils or students whose parents or guardians may object to their receiving religious instruction at all, be allowed at all such stated times to withdraw.

XIV.—That the Rev. John Dunmore Lang, D.D., be the principal of the said college, but without emolument, and without any active share in the business of education, until the completion of the arrangements into which he has entered with His Majesty's Government for the establishment of the said college; as also with certain Scotch mechanics, for the erection of the requisite buildings, and with certain parties in England for the payment of books, apparatus, &c.; on the completion of which arrangements he shall surrender the said office into the hands of the council.

XV.—That the following gentlemen be the council of the Australian College till the next general meeting :—

Campbell Drummond Riddell, Esq., M.C., Colonial Treasurer.
Richard Jones, Esq., M.C.
Alexander Berry, Esq., M.C.
Major Mitchell, Surveyor General.
Captain Perry, Deputy Surveyor General.
Thomas Walker, Esq.
Thomas Barker, Esq.
Robert Campbell, jun., Esq. (Bligh-street).
James Chisholm, Esq.
David Ramsay, Esq.
T. Burdickin, Esq.
Rev. Dr. Lang, *ex officio*.

XVI.—That John Wallace, Esq., be the treasurer of the Australian College.

XVII.—That the thanks of the meeting be given to C. D. Riddell, Esq., for his able, zealous, and judicious conduct in the chair.

Sydney, December 23, 1831.

WEDNESDAY, 1 OCTOBER, 1862.

Present :—

MR. MATE, | MR. SADLEIR,
MR. STEWART.

THE REV. J. D. LANG, D.D., IN THE CHAIR.

John Williams, Esq., Crown Solicitor, examined :—

J. Williams,
Esq.

1 Oct., 1862.

583. *By the Chairman* : Are you aware that a mortgage was granted to the Government by the trustees of the Scots Church in 1833? Yes, I have the deed here, bearing date 18th February, 1833. (*Deed produced. Vide Appendix A.*)

584. Are you aware whether any legal process was instituted in reference to that mortgage, for

for the foreclosure of it? Evidently there was such a suit, for it was by looking through the papers in the suit that I discovered where I would, in all probability, find this mortgage; but of the suit itself I know nothing.

J. Williams,
Esq.

1 Oct., 1862.

585. You do not know the result of it? I do not. I should perhaps explain, that having only been summoned here in the usual way, I was ignorant what was required of me, and therefore I made no inquiry except for these papers, having been told by Mr. Piddington, whom I met accidentally, that I should probably be asked to produce them. Had I known the question would be asked I could easily have ascertained the result of the suit.

586. Perhaps you could give the Committee that information as an addendum to your evidence? I can search and see what has become of the two suits, for there were two it appears; the Attorney General *v.* Lang and others; and Campbell and others *v.* the Attorney General and others. It was long before my time.

587. I think it was in 1845? Yes, I believe it was. I may mention that I have also found a deed which was imagined to have been lost, that is, the original grant to the trustees of the Scots Church. (*Deed produced. Vide Appendix B.*)

588. *By Mr. Sadleir:* Have you a copy of the report of Mr. Billyard, formerly Civil Crown Solicitor, in reference to this case? I have the report itself.

589. Could we have that? I do not know that I can leave you this, because I have only borrowed it myself from the Colonial Secretary's Office; but if there is no objection on the part of the Government—the report having been made by the then Crown Solicitor for the information of the Government, and possibly being considered a confidential communication—I will furnish a copy.

590. Have you any idea what is the defect in the mortgage? I have not. Not knowing, as I said before, what would be required of me, beyond what I learned from Mr. Piddington, I have merely made inquiry for the papers.

591. Looking at the question before the Committee—? Perhaps I should say that I really do not know what is the question before the Committee; I am quite unacquainted with the facts. (*Mr. Sadleir here explained to the witness, by reference to a plan on the table, the nature of the exchange of land proposed to be made under the Bill.*)

592. As there are several interests concerned in this matter—for instance, the Government have a mortgage over the Scots Church allotment, and there is also a private mortgage upon the other property—do you think we could make this exchange without endangering the security? You do undoubtedly endanger the security of the mortgage; you are substituting one piece of land for another without the consent of the party who holds the security.

593. *By Mr. Mate:* If the Crown holds security over this piece on which buildings are erected, will it not lose that security by exchanging it for this piece of back land on which there are no buildings? Of course it depends on what is done by the Bill; if you simply substitute one piece of land for the other, no doubt the security will be affected.

594. Which is the more valuable? The land that is built upon, I should suppose; but I do not profess to be a judge of such matters.

595. *By the Chairman:* But supposing this was the fact, that this exchange was made finally, as far as the trustees could make it without an Act of the Legislature, before the street was run through the two properties, and when the whole of the land was back land, was there any inequality in the arrangement then? Such an exchange could not be made; the trustees could not legally come to any such agreement. If they hold for a specific trust they cannot come to any agreement in derogation of that trust. They could no more have come to that agreement than I could have done, being, as trustees, perfect strangers to the estate for that purpose.

596. But they contemplated getting an Act of the Legislature from the first? They had no more right to come to that arrangement than I had. The mere fact that A and B, happening to be trustees, agreed to exchange this land for that, made no valid agreement.

597. *By Mr. Mate:* Then I understand you to say that the trustees had no power to sanction this road (Jamison-street) being made here? The trustees could only act within the scope of their authority. (*Witness referred to the grant.*) The trust appears to be a trust of uses only for church purposes, and they had no power, I apprehend, to travel out of the grant by agreeing with any person that the street should be opened.

598. *By Mr. Sadleir:* Then you fancy the trustees exceeded their power by having this street opened? I have not the slightest doubt of it.

599. *By the Chairman:* It would be difficult now to get the matter replaced on its original footing? No doubt; there the street is, and it cannot be altered; other interests have sprung up; but it is possible, though not, I suppose, probable, that any of the *cestuique* trusts might proceed against the trustees for a breach of trust.

600. Supposing that there were a clause inserted in the Act saving all existing rights, would that not render the exchange, if otherwise desirable, perfectly innocuous as far as the mortgagees were concerned? I think that would be a palpable contradiction of the Act itself, because by reason of the mortgage the fee simple of this piece of land is in the party holding the mortgage; how can there be an exchange without the fee simple going from that party to the party with whom the exchange is to be effected?

J. Williams,
Esq.

1 Oct., 1862.

APPENDIX.

A.

MORTGAGE FEE of the Trust Property for securing to His Majesty's Government the repayment of Monies advanced.

THIS INDENTURE made the eighteenth day of February in the year of our Lord one thousand eight hundred and thirty-three between the Reverend John Dunmore Lang of Sydney in the Colony of New South Wales Doctor in Divinity John Piper of Bathurst in the said Colony Esquire Thomas Macvitie of Sydney aforesaid Esquire and David Ramsay of Dobroyd near Sydney aforesaid Esquire of the one part and William Macpherson Esquire Collector of the Internal Revenue of the said Colony of the other part Whereas by a certain Grant bearing date on or about the tenth day of November in the year one thousand eight hundred and twenty-six issued under the hand of His Excellency Lieutenant General Ralph Darling Captain General and Governor-in-Chief of the said Colony and under the seal of the said Colony the said Governor under and by virtue and in pursuance of the power and authority therein mentioned to be vested in him did give and grant unto the said John Dunmore Lang John Piper Thomas Macvitie and David Ramsay Trustees for the Congregation of Scots Presbyterians in Sydney and to their successors in office To have and to hold for ever the piece or parcel of land hereinafter described and granted and released or otherwise assured or intended so to be but which said land was thereby mentioned to be granted for the purpose of erecting a Scots Church in which the ordinances of religion should be dispensed by a regularly ordained Minister of the Church of Scotland and such other buildings therewith connected as the Trustees might think fit to erect And whereas by an Act of His Excellency Major General Richard Bourke Captain General and Governor-in-Chief of the Territory of New South Wales aforesaid and its Dependencies made and passed by and with the advice of the Legislative Council the thirteenth day of October now last past entitled "*An Act to enable the Trustees of the Scots Church in Sydney in the Colony of New South Wales to grant a Mortgage to Government on the buildings now erecting on their allotment for the amount of a loan advanced by Government to enable the said trustees to erect the said Church and also for the amount of a further loan advanced by Government in aid of the establishment of the Australian College.*" After reciting the hereinbefore in part recited Grant And that the Treasurer of the said Colony by an order or warrant of His Excellency Sir Thomas Brisbane then Governor of the said Colony in the year one thousand eight hundred and twenty-five on the part of the Government of the said Colony lent and advanced to the said John Dunmore Lang John Piper Thomas Macvitie and David Ramsay as trustees as aforesaid the sum of two thousand four hundred dollars for the purpose of enabling the said trustees to erect a Church upon the said parcel of land upon condition of the repayment thereof by the said trustees to the Government And further reciting that an Academical Institution or College had lately been established for the education of youth And that the said trustees had agreed and consented that the necessary buildings for the purpose of carrying on the said institution should be erected upon part of the said parcel of land And further reciting that upon an application being made to him for that purpose the Right Honorable the Secretary of State for the Colonies had been pleased to authorize the Governor of the said Colony of New South Wales to advance a loan of three thousand five hundred pounds to the promoters of the above undertaking from the Colonial Treasury towards enabling them to complete the same upon condition that the said institution or college together with all the buildings thereunto belonging or appertaining should be erected or built upon the ground belonging to the said Scots Church and that the promoters of the undertaking should previously expend a similar amount in the erection of the above buildings and that the said buildings when erected should stand as a security to the Government of the said Colony for the repayment of the sums advanced by the said Government for the purpose aforesaid And further reciting that the Treasurer of the said Colony by the order or warrant of His Excellency Colonel Patrick Lindesay then acting Governor of the said Colony in the year one thousand eight hundred and thirty-one paid to the said trustees in pursuance of the said arrangement entered into with the Right Honorable the Secretary of State for the Colonies as aforesaid the sum of one thousand five hundred pounds And further reciting that a sum exceeding the said sum of one thousand five hundred pounds had already been expended in erecting the buildings for the said Institution or College on the said parcel of land hereinbefore mentioned And further reciting that it would be beneficial to the public and to the advancement and promotion of knowledge within the said Colony if the said John Dunmore Lang John Piper Thomas Macvitie and David Ramsay and the other promoters of the said institution were enabled to carry the agreement hereinbefore mentioned into effect and for that purpose that the said trustees should be empowered to grant a mortgage of the said land and premises to the Collector of Internal Revenue of the said Colony for the time being for and on behalf of the Government of the said Colony but that the same could not be effected without the aid and authority of an Act or Ordinance of His Excellency the Governor with the advice and consent of the Legislative Council It was by the now reciting Act enacted by His Excellency the Governor of New South Wales by and with the advice of the Legislative Council that from and after the passing of the said Act it should and might be lawful for the said John Dunmore Lang John Piper Thomas Macvitie and David Ramsay trustees as aforesaid of the said congregation of Scots Presbyterians in Sydney and their successors to transfer or mortgage the said parcel of land therein and hereinbefore mentioned together with the buildings then erected or thereafter to be erected thereon to the Collector of the Internal Revenue of the said Colony and to his successors in office for the time being for and on behalf of the Government thereof for securing the repayment of the said sums of two thousand four hundred dollars and one thousand five hundred pounds so advanced to the said trustees as aforesaid and of the further sum of two thousand pounds when advanced to the said trustees or their successors under the agreement as aforesaid and by writing under the hands and seals of any three or more of the said trustees or their successors to assign the said parcel of land together with the buildings then erected or thereafter to be erected thereon to the Collector of Internal Revenue of the said Colony or to his successor or successors in his said office for the time being for and on behalf of the Government of the said Colony as a security for the repayment of the said principal sums of money so advanced to the said trustees as aforesaid and for any such further sum or sums of money as should be advanced to the said trustees by the said Government of the said Colony as aforesaid And whereas the said sum of two thousand four hundred dollars advanced by the Government to the said trustees as hereinbefore is mentioned is of the value of five hundred and twenty pounds of sterling money of Great Britain And whereas an order or warrant hath been made out and signed by His Excellency the Governor of the said Colony to Campbell Drummond Riddell Esquire the public Treasurer of the said Colony to advance and pay to the said trustees the further sum of one thousand five hundred pounds in pursuance of the authority of the Right Honorable the Secretary of State for the Colonies hereinbefore mentioned And whereas the said several sums of five hundred and twenty pounds and one thousand five hundred pounds together with the sum of one thousand five hundred pounds hereinbefore mentioned to have been advanced to the said trustees amount in the whole to the sum of three thousand five hundred and twenty pounds Now this Indenture witnesseth that for and in consideration of the premises and of the said sum of three thousand five hundred and twenty pounds so advanced by the Government of the said Colony to the said John Dunmore Lang John Piper Thomas Macvitie and David Ramsay as such trustees as aforesaid and also in consideration of ten shillings of lawful money of Great Britain to them the said John Dunmore Lang John Piper Thomas Macvitie and David Ramsay in hand paid by the said William Macpherson at or before the sealing and delivery of these presents the receipt whereof is hereby acknowledged They the said John Dunmore Lang John Piper

Piper Thomas Macvitie and David Ramsay in pursuance and execution and by force and virtue of the power or authority to them in or by the said hereinbefore in part recited Act of His Excellency the Governor and Council made and passed as aforesaid and of all and every other power and powers authority and authorities in them vested or in anywise enabling them in this behalf have and each and every of them hath granted bargained sold aliened and released and by these presents do and each and every of them doth grant bargain sell alien release and confirm (but so and in such manner nevertheless that the said John Dunmore Lang John Piper Thomas Macvitie and David Ramsay or any or either of them shall not be construed in anywise to create or enter into any covenant or warranty for the title of the said hereditaments but to convey the same so far and in such manner only as they lawfully can or ought as trustees as aforesaid) unto the said William Macpherson and to his heirs and assigns All that piece or parcel of land containing two roods and thirty-nine perches lying and situate in the parish of Saint Philip in the County of Cumberland in the Colony aforesaid bounded on the north-east by Underwood's allotment bearing east thirty-six degrees and a half south one chain and eighty links on the south-east by a line bearing south thirty-three degrees and a half west three chains and sixty-seven links to the Barrack wall by that wall to the street one chain on the south-west by the street bearing north thirty-one degrees and thirty minutes west one chain and forty-three links and on the north-west by Charlotte-place bearing north thirty-six degrees and a half east three chains and sixty-four links And also all that chapel church or place of worship and all those several messuages or tenements and other buildings erected and built and now standing and lying on the said piece or parcel of land And all other buildings ways paths passages waters watercourses lights easements profits privileges emoluments advantages rights members and appurtenances whatsoever to the said piece or parcel of land buildings messuages or tenements and hereditaments or any of them or any part thereof belonging or in anywise appertaining or reputed or deemed so to be or with the same or any part thereof now usually or heretofore holden used occupied or enjoyed All which said lands tenements and hereditaments are now in the actual possession of or legally vested in the said William Macpherson by virtue of a bargain and sale to him thereof made by the said John Dunmore Lang John Piper Thomas Macvitie and David Ramsay in consideration of five shillings by an indenture bearing date the day next before the day of the date of these presents for the term of one year commencing from the day next before the day of the date of the same indenture of bargain and sale and by force of the statute made for transferring uses into possession And the reversion and reversions remainder and remainders rents issues and profits thereof And all the estate right title interest use trust property term and terms for years possession claim and demand whatsoever both at law and in equity of them the said John Dunmore Lang John Piper Thomas Macvitie and David Ramsay in to upon out of or concerning the same premises To have and to hold the said piece or parcel of land church messuages or tenements buildings hereditaments and all and singular other the promises hereinbefore described and granted and released or otherwise assured or intended so to be with their and every of their rights members and appurtenances unto the said William Macpherson and his heirs to the use of the said William Macpherson his heirs and assigns for ever But nevertheless in trust for the Government of the said Colony for securing to the said Government the repayment of the several principal sums of five hundred and twenty pounds one thousand five hundred pounds and one thousand five hundred pounds and for any further sum or sums of money not exceeding the sum of five hundred pounds which shall be advanced to the said trustees or their successors in office by the Government of the said Colony in the manner hereinbefore mentioned Provided always and these presents are upon this express condition and it is hereby declared and agreed to be the true intent and meaning of the several parties hereto that if the said John Dunmore Lang John Piper Thomas Macvitie and David Ramsay or the survivors or survivor of them their or his heirs executors or administrators or the trustees or trustee for the congregation of Scots Presbyterians in Sydney for the time being do and shall well and truly pay or cause to be paid unto the said William Macpherson his executors administrators or assigns or unto the Collector of Internal Revenue of the said Colony for the time being for and on behalf of the Government thereof at or in the office of the Public Treasurer of the said Colony between the hours of ten and three of the clock in the day the full and just sum of three thousand five hundred and twenty pounds on or before the first day of February which will be in the year of our Lord one thousand eight hundred and thirty-eight And in case the Government of the said Colony do and shall at the request of the said John Dunmore Lang John Piper Thomas Macvitie and David Ramsay or the trustees or trustee for the congregation of Scots Presbyterians in Sydney for the time being advance or lend any further sum or sums of money unto and for the benefit of the said congregation then if the said John Dunmore Lang John Piper Thomas Macvitie and David Ramsay or the survivors or survivor of them their or his heirs executors or administrators or the trustee or trustees aforesaid for the time being or any person or persons on behalf of the said congregation do and shall well and truly pay or cause to be paid unto the said William Macpherson his executors administrators or assigns or unto the Collector of Internal Revenue of the said Colony for the time being for and on behalf of the Government thereof all and every such sum and sums of money as by any writing to be indorsed hereupon and signed by the said John Dunmore Lang John Piper Thomas Macvitie and David Ramsay or the trustees or trustee of the congregation aforesaid for the time being shall appear to be advanced to them by the Government as aforesaid at the place hereinbefore appointed for the payment of the principal moneys hereby secured on the said first day of February which will be in the year of our Lord one thousand eight hundred and thirty-eight without any deduction or abatement whatsoever for or by reason of any taxes charges assessments impositions cause matter or thing whatsoever then and in such case the said William Macpherson his heirs or assigns shall and will at any time after such payment upon the request and at the costs and expense of the said John Dunmore Lang John Piper Thomas Macvitie and David Ramsay or the survivors or survivor of them their or his heirs executors or administrators or the trustees or trustee for the congregation of Scots Presbyterians in Sydney for the time being re-convey and re-assure all and singular the said lands tenements hereditaments and premises with the appurtenances for all his or their estate right title and interest in or to the same under or by virtue of these presents unto and to the use of the said John Dunmore Lang John Piper Thomas Macvitie and David Ramsay or the survivors or survivor of them or to the trustee or trustees for the congregation aforesaid and to their or his heirs and assigns But nevertheless for the purposes mentioned and set forth in the hereinbefore in part recited grant of the tenth day of November one thousand eight hundred and twenty-six free and clear of and from all mesne charges and incumbrances whatsoever made occasioned or knowingly suffered by the said William Macpherson his heirs or assigns or any person or persons lawfully or equitably entitled by from through under or in trust for him or them or any of them.

In witness whereof the said parties to these presents have herunto set their hands and seals the day and year first above written.

Signed sealed and delivered by the said John Piper }
in the presence of

JNO. PIPER, Junr.
LUCY A. H. BALL.

JOHN PIPER.

Signed sealed and delivered by the said John }
Dunmore Lang and David Ramsay in the }
presence of

JOHN DILLON.
W. H. MOORE.

JOHN DUNMORE LANG.

DAVID RAMSAY.

J. Williams,
Esq.

1 Oct., 1862.

MINUTES OF EVIDENCE TAKEN BEFORE THE SELECT COMMITTEE ON THE

J. Williams,
Esq.
1 Oct., 1862.

We John Piper and David Ramsay Esquires being two and the only surviving of the above named trustees of the Scots Presbyterian Church now in New South Wales* do hereby acknowledge that we have received from the Honorable the Colonial Treasurer Campbell Drummond Riddell Esquire the sum authorized to be paid to us by a warrant under the hand of His Excellency Governor Richard Bourke bearing date the twenty-seventh day of September in the year one thousand eight hundred and thirty-three being five hundred pounds to be by us applied to the purposes recited in the foregoing Indenture of Mortgage which sum of five hundred pounds together with the sum of three thousand five hundred and twenty pounds previously received makes the amount secured by the said Indenture to be four thousand and twenty pounds. In witness whereof we have hereunto set our hands this

Signed by John Piper Esquire in the presence of
THOMAS GRENDEEN, J.P. }
Signed by David Ramsay Esquire in the presence of }

JOHN PIPER.

DAVID RAMSAY.

* The Reverend John Dunmore Lang having left the Colony for England in July last, and Thomas McVitie, Esquire, being dead.

Received into the Registrar's Office this nineteenth day of February one thousand eight hundred and thirty-three at three o'clock in the afternoon from W. J. Dowling a memorial of a Mortgage in Fee from the Reverend John Dunmore Lang and others Trustees to William Macpherson Collector of Internal Revenue verified by W. J. Dowling and numbered 769 (seven hundred and fifty-nine) B.G.

CHARLES J. WINDEYER.

B.

By His Excellency Lieutenant-General RALPH DARLING Captain General and Governor-in-Chief in and over the Territory of New South Wales and its Dependencies &c. &c. &c.

2 roods 39 perches.)
New South Wales.)

WHEREAS full power and authority for granting lands in the Territory of New South Wales are vested in His Majesty's Captain General and Governor-in-Chief (or in his absence the Lieutenant-Governor for the time being) in and over the said Territory and its Dependencies by His Majesty's Instructions under the Royal Sign Manual bearing date respectively the twenty-fifth day of April one thousand seven hundred and eighty-seven and the twentieth day of August one thousand seven hundred and eighty-nine.

In pursuance of the power and authority vested in me as aforesaid I do by these presents give and grant unto the Reverend John Dunmore Lang D.D. John Piper Thomas McVitie and David Ramsay Esquires trustees for the congregation of Scots Presbyterians in Sydney and to their successors in office whom failing the property hereby conveyed is to descend in trust to an equal number of trustees chosen as vacancies may occur by the said congregation to have and to hold for ever two roods and thirty-nine perches of ground lying and situate in the parish of Saint Philip in the County of Cumberland bounded on the north-east by Underwood's allotment bearing east thirty-six degrees and a half south one chain and eighty links on the south-east by a line bearing south thirty-three degrees and a half west three chains and fifty-seven links to the Barrack wall by that wall to the street one chain on the south-west by the street bearing north thirty-one degrees and thirty minutes west one chain and forty-three links and on the north-west by Charlotte-place bearing north thirty-six degrees and a half east three chains and sixty-four links but declaring that the ground hereby conveyed is granted for the purpose of erecting a Scots Church in which the ordinances of religion shall be dispensed by a regularly ordained minister of the Church of Scotland and such other buildings therewith connected as the trustees may think fit to erect To have and to hold the said land to the said John Dunmore Lang John Piper Thomas McVitie and David Ramsay and their successors in office for ever on paying therefor yearly to His Majesty his heirs and successors or as he or any of them may appoint the quit rent of a peppercorn if demanded.

In testimony whereof I have hereunto set my hand and seal of the Territory at Sydney in New South Wales this tenth day of November in the year of our Lord one thousand eight hundred and twenty-six.

RA. DARLING.

Witnessed—

H. DUMARESQ,
WM. DUMARESQ.

Entered upon record by me this tenth day of November 1826 register No. 10 page 201.

ALEX. McLEAY
Secretary and Registrar.

THURSDAY, 9 OCTOBER, 1862.

Present:—

MR. MATE, | MR. PIDDINGTON,
MR. SUTHERLAND, | MR. SADLEIR.

THE REV. J. D. LANG, D.D., IN THE CHAIR.

John Williams, Esq., Crown Solicitor, called in and examined:—

J. Williams,
Esq.
9 Oct., 1862.

601. *By the Chairman:* You promised to submit to the Committee a copy of the Solicitor General's report? I promised to submit a copy of the Crown Solicitor's report to the Solicitor General, which I now produce. It is dated 15th April, 1850. I had previously to get the permission of the Colonial Secretary to produce it. I waited upon the Colonial Secretary, and stated that, as this was a document intended for the advice of the Executive from their legal advisers, I had some doubt as to whether I ought to produce it. The Colonial Secretary informed me that, provided the production of this paper was not considered as a precedent, there was no desire to withhold from the Committee any information it affords, although it is scarcely of the usual class of papers for production, and I have therefore had a copy made, which I now produce. (*Vide Appendix.*)

602.

602. *By Mr. Piddington*: Are you aware that on the 13th October, 1832, the Legislature passed an Act authorizing the Trustees of the Scots Church to mortgage the allotment granted to them, as well as the Scots Church and all the other buildings upon the land? I believe such is the case, but I have seen the Act.

J. Williams,
Esq.
9 Oct., 1862.

603. Have you seen the mortgage that was executed by the trustees of the Scots Church under the authority of that Act? I have never examined it. I produced it here the other day.

604. You are aware that the Trustees of the Scots Church, Jamison-street, executed a mortgage on the whole of the church allotments in that street, together with the church and other buildings, in favour of the Colonial Government, in order to secure the repayment of a large sum of public money borrowed from the Government? I am aware, from producing the document, that the Trustees of the Scots Church, Jamison-street, did mortgage the land and buildings to William Macpherson, Collector of Revenue, who was the person authorized to receive such mortgage under the Act of Council; but what the contents of the deed are I do not know, for I have never read it. I rather think the Committee will find the whole of this matter fully treated of in the report, a copy of which I have just handed in—at least the legal position of the Government and the Trustees of the Scots Church is fully considered and advised upon. That, indeed, was why I doubted as to whether I ought to produce the document or not.

605. The date of this mortgage is the 18th February, 1833? Perhaps we might refer to the Act, and see what the date of the Act is.

606. The date of the Act is the 13th October, 1832? Yes.

607. I wish to ask you whether you are aware that the Act of Council, passed on the 13th October, 1832, authorizing the Trustees of the Scots Church to mortgage the allotment and the buildings, contains a clause providing that the Act should not come into operation until it had received the Royal approbation, and until that Royal approbation had been signified in the *Government Gazette*? I believe there is such a clause.

608. Are you aware that the Trustees of the Scots Church obtained from the Government, on the security of this mortgage, a large sum of money before the Royal approbation was signified in the *Government Gazette* to the Act of Council authorizing them to make this mortgage? I have no personal knowledge of the matter; all the information I possess is obtained from these papers and report, and partly from the Act of Council itself, which I perused last night.

609. Are you aware that the Crown Law Officers endeavoured to enforce the provisions of this mortgage? So it seems by the report.

610. Are you aware what reasons the Supreme Court had for declaring the mortgage invalid? I have seen the decision of the Court, but the reasons for the judgment I am not acquainted with.

611. If the Court decided that this mortgage was invalid upon the technical ground that the Act did not come into operation until after it was given, could not this mortgage be made the foundation of a suit in the Supreme Court, with the view of compelling the parties to execute a valid mortgage? I rather think that has been advised upon here by the Attorney General, and his opinion is no doubt better than my own.

612. Have you any doubt that that course is open to the Government, if they feel inclined to take it? I should think it would be open to them; but here you have the opinion of the Attorney General in reference to the matter.

613. I should like to ask you the question? An opinion was given by the Attorney and Solicitor General and Mr. Broadhurst, of which the following is an extract:—"With regard to future proceedings, we are of opinion, that the best course will be to institute proceedings at law for recovering possession of the property. The validity of the mortgage will then be left to the decision of the full Court. Should that decision be unfavourable it will still be competent to the Government, should it think proper to do so, to take proceedings in Equity for the purpose of having the former mortgage deed confirmed, or a fresh security executed. Mr Justice A'Beckett has not decided that such relief cannot be granted in a foreclosure suit." I think there must be some remedy, unless barred by time.

614. Have the goodness to look at the receipt of this mortgage, signed by two of the Trustees of the Scots Church, and ascertain whether they do not acknowledge the receipt of £4,000 and upwards, under the agreement contained in that mortgage deed? No, they acknowledge the receipt of £500, which sum of £500, together with £3,520 previously received (I suppose by them), makes the amount secured by the said indenture £4,020.

615. There is an acknowledgment under the seal of two Trustees of the Scotch Church? That in some way £500 and another sum, making the amount £4,020—

616. Have been received under the conditions of that mortgage deed? Yes; that £4,020 have been received under the conditions of this mortgage deed, or at all events, under the contract of which this deed is to some extent an exposition.

617. The document you have handed in—? I imagine has gone through the whole case.

618. And will place the Committee in possession of the merits of the case? It is a full report from the Crown Solicitor to the then Solicitor General, stating how the matter stands, the opinions taken upon it, and any course that might be adopted.

619. *By the Chairman*: Do you state that the reason assigned by Mr. Piddington, namely, that the Bill had not been gazetted in due time, was the only one on which the decision turned? No, I do not; I say I do not know what the decision did turn upon. The Court has come to decisions in two suits; but I do not know the grounds upon which they arrived at those decisions. I believe that in that report (*Appendix*) will be found a statement of the fact of those decisions, and, possibly, the reasons on which they were based; but I have no knowledge of that matter. The difficulty seems to be this: That the money was received prior,

J. Williams, Esq. prior, in point of fact, to the trustees having the legal power to do what they professed to do. 620. But the trustees received the money, did they not? I cannot say.

9 Oct., 1862. *By the Chairman:* You do not state that that was the only ground on which the decision was given? I do not. That would be best ascertained by referring to the printed reports of the judgments, or the written judgments of the Court.

APPENDIX.

*Civil Crown Solicitor's Office,
Sydney, 15 April, 1860.*

Sir,

In reply to your memorandum of 23rd March instant, I beg to state,—

First,—That the original title of Dr. Lang to the two lower houses in Jamison-street is disclosed in the draft abstract sent herewith. From this it will be seen that the two parcels of land on which they are built form part of a grant to Sir John Jamison in 1823, and that on the 15th June, 1841, Sir John Jamison, in consideration of £447 paid by Dr. Lang, executed an absolute conveyance to Dr. Lang to uses, to bar dower; and that Dr. Lang, on the 21st June, 1841, mortgaged these two parcels of land, and also "all those two messuages, premises, and dwelling-houses situate and being on the land thereby released, and then in the occupation of Messrs. Wyld and M'Kenzie, and all buildings, &c.," to William Wright and G. C. Turner, as trustees for the Loan Company, for securing £1,500 and interest. This mortgage, by various mesne transfers, has now become vested in Messrs. Bloxsome and Icton, as trustees for the Loan Company. I may remark that, on referring to Mr. Norton's evidence given before the Committee of the Legislative Council on the Loans to the Australian College, sent herewith (page 21), I find that the original contract with Sir John Jamison was signed by Dr. Lang, Captain Piper, Mr. D. Ramsay, and Mr. Thomas M'Vitie, and that Mr. Norton states as follows:—"I conceive that the whole of the land ought to have been conveyed to the trustees, and I objected to the conveyance as prepared in favour of Dr. Lang; he, however, explained that Mr. M'Vitie, one of the trustees, was dead; that Captain Piper had not taken an active part in the trust, and was absent; and that Dr. Ramsay, the other trustee, consented to the conveyance to him, Dr. Lang. I afterwards saw Dr. Lang and Dr. Ramsay, and they then explained that the college was indebted to Dr. Lang in a very large sum, laid out by him in the building of the houses, and that to enable him to re-pay himself, and also to raise the amount due to Sir John Jamison, he (Dr. Lang) would be compelled to obtain a mortgage on the land, which could not be done if the land were conveyed to the trustees; and Dr. Lang added, that he was willing, subject to that loan, to convey the whole of the land to the trustees. The impression made on my mind by the statement of Dr. Lang and Mr. Ramsay was, that the whole of the funds for the erection of the college buildings were provided by Dr. Lang. I also felt that a Court of Equity would at any time compel Dr. Lang to release to the trustees."

In reply to your inquiry whether the Loan Company can be fixed with notice of the prior right of the Government, and whether the equity of redemption is of any value, I beg to remark on the first head, that though on the face of the abstract No. 1 there is nothing affecting the Loan Company with notice, yet that Mr. G. C. Turner, at the date of the mortgage, and by whom it was prepared, was Civil Crown Solicitor as well as Solicitor to the Loan Company. On the second head of inquiry, I presume that the equity of redemption in the two lower houses is of some value, inasmuch as it appears by the late Colonial Architect's evidence, page 17 of the Report, that in July, 1841, he estimated them as being worth £4,000, and the incumbrance upon them is only £1,500, the interest of which has been, I understand, paid by Mr. Baillie, as agent of Dr. Lang, out of the rents.

Second,—As to the two upper houses, on referring to Mr. Lewis' evidence, page 17, Report, he states, "that about two-thirds of one house, and one-third of another, stand on the Scots Church land; the remainder of the buildings stand upon the land obtained from Sir John Jamison; so that, in fact, the whole of two of the houses, two-thirds of the third house, and about one-third of the fourth, stand upon the land obtained from Sir John Jamison." I should here remark that Dr. Lang had two transactions with Sir John Jamison, which are thus explained in Mr. Norton's evidence, page 21:—"At the time Sir John Jamison formed Jamison-street it was formed to terminate in the Church grant, and it was then agreed between the trustees and Sir John Jamison that a part of the Church grant should be appropriated to the prolongation of Jamison-street, in consideration of which Sir John Jamison agreed to give up to the trustees of the Church that part of his grant which adjoined the Church. The trustees also agreed to purchase two other portions of Sir John Jamison's grant, one on each side of the street, for a money consideration. One of these upper houses is in the occupation of the Auditor General. The Auditor General is anxious to ascertain your opinion as to the propriety of his determining his tenancy by a month's notice to quit."

Thirdly,—As to the Scots Church: On searching the registry I find that a mortgage by demise on the Scots Church for securing £300 in Spanish dollars from the trustees to James Birnie, although dated 19th February, 1827, was only registered on 23rd June, 1846. In the brief delivered to the Attorney General in the former equity suits this deed is stated to have been executed by Messrs. Lang, Piper, and M'Vitie, but not attested, nor the receipt for the consideration money witnessed, and that Mr. Ramsay had not then executed it, nor was it registered; it would therefore appear to have been completed in the year 1846.

Fourthly,—As to the nature of the former suits: The bill filed by the Attorney General against the trustees of the Scots Church was in the alternative—first, for a foreclosure; and secondly, if the Court should think the mortgage insufficient to pass the legal estate in the property, then that the same might be decreed to constitute a valid equitable lien and security, and that the trustees, the defendants, might be decreed to execute to the Government a valid legal security. On the hearing of the case Mr. Justice A'Beckett, the Equity Judge, decreed a foreclosure only; but, at the same time, he dismissed a cross bill, filed by the trustees against the Government to set aside the mortgage, on the ground that the mortgage was invalid at law, and that there was therefore no occasion to come into Equity.

An opinion was then given as to the future proceedings by the present Attorney and Solicitor General, and Mr. Broadhurst, of which the following is an extract:—"With regard to future proceedings, we are of opinion that the best course will be to institute proceedings at law for recovering possession of the property. The validity of the mortgage will then be left to the decision of the full Court. Should that decision be unfavourable, it will still be competent to the Government, should it think proper to do so, to take proceedings in Equity for the purpose of having the former mortgage deed confirmed or a fresh security executed. Mr. Justice A'Beckett has not decided that such relief cannot be granted in a foreclosure suit."

I am informed that, in conformity with this opinion, declarations in ejectment were drawn, but were not proceeded with, it being afterwards considered clear that the mortgage was void at law.

I have also the honor to transmit herewith the Report of the Committee of the Legislative Council on Loans to the Australian College, No. 8; copies of the grant to the Trustees of the Scots Church, and of the mortgage from them to Mrs. Macpherson on behalf of the Government, No. 9; and a copy of the Bill to enable the Trustees to make the Mortgage, No. 10.

I found on the registry a mortgage, dated 3 September, 1841, from Dr. Lang to Mrs. A. Bryant, for £809, of two pieces of land, one situated on the south and the other on the north side of Jamison-street. These I conceive to be two vacant allotments, one of which is situated between the Scots Kirk and the first of the Australian buildings, and the other on the opposite side of the street.

Bryant's mortgage was transferred to Mr. Breillat, and by him to Mr. Cromarty, in whom it is now vested.

I send herewith copy of the memorials of these. I would also remark, that in the Act of Council before referred to, there are recitals not only of the Scots Church grant, but also of two conveyances from Sir John Jamison, one being the exchange of two other allotments; but that in the mortgage from Dr. Lang to Mr. Macpherson there is only a recital of the Scots Church grant; no mention is made of the other transactions with Sir John Jamison, and in the operative part of the mortgage security, although the Act enabled the trustees to mortgage all the three allotments as well as the rents, pews, and income of the Scots Church, they only mortgaged the land in the Scots Church grant. I may add, in conclusion, that Mr. J. H. Baillie, Dr. Lang's agent, has been in receipt of the rent of the four houses during Dr. Lang's absence in Europe, and has handed the rent of the two lower houses to the Loan Company. Dr. Lang is in the occupation of the upper house next the Scots Kirk.

I have, &c.,

W. W. BILLYARD,
Civil Crown Solicitor.

The Solicitor General,
&c., &c.

J. Williams,
Esq.

9 Oct., 1862.

EXCHANGE OF LAND, SCOTS CHURCH, JAMISON STREET.

SEPARATE APPENDIX.

STATEMENT of the Rev. Dr. Lang, in regard to the origin and history of the Buildings erected for the purposes of Education, in Jamison-street, Sydney.

ALTHOUGH New South Wales was founded as a British Colony in the year 1788, it is matter of notoriety that, until the year 1831, that is, for the first forty-three years of its existence, there was no public school in it in which a boy could be taught the Latin language or the elements of mathematics. A Church and School Corporation, under the exclusive management of the Episcopal Clergy of the Colony, had been instituted, in the year 1825, and two abortive efforts had been made to establish a public grammar school in Sydney—the one in 1825, and the other in 1829;—but such as I have stated was, nevertheless, the actual state of things so late as the year 1830. The Puritan colonists of New England had only been eighteen years from Europe when they established a college which was afterwards expanded into a university for the education of their youth in the higher branches of useful learning; and they had previously passed a law providing for the establishment of a grammar school in every town in their Colony with a certain amount of population. But such as I have indicated was the state of things, in the matter of education, for upwards of forty years in New South Wales.

In these circumstances, after having been myself upwards of seven years in the Colony, I was induced to undertake a voyage to England, in the year 1830, for the establishment of an academical institution or college for the education of youth in this city. Previous to my leaving the Colony, the Trustees of the Scots Church, Sydney, of whom I was one, and the late Sir John Jamison, K.G.V., had agreed to form a street, now called Jamison-street, through their respective allotments, with a view to the improvement of both properties; and as the proposed street crossed both allotments obliquely, cutting off angular portions of each, it was mutually agreed, with a view to square the lines, that all above or to the westward of a certain line drawn across both properties should belong to the Trustees, and all below it, on both sides of the street, to Sir John. But as the Trustees neither desired nor intended to alienate any portion of their allotment (which that arrangement nominally professed to do, but which they were absolutely precluded from doing) Sir John bound himself to sell to me, at the intended sale of his allotments in Jamison-street, two portions of his ground on both sides of that street (including the portion nominally surrendered to him by the Trustees) at the same price at which the two adjoining portions should be sold. Sir John's sale took place in September, 1831; and although I had not then returned to the Colony from England, an agent, whom I had authorized to act for me in the matter, attended the sale, and made the purchase accordingly.

This purchase was in no respect made on behalf of the Scots Church, or with the view of enlarging its allotment, but wholly and solely for the purpose of carrying out the plan of an academical institution, which I hoped, at the time, to establish through my contemplated voyage to England, but for which the available portion of the Scots Church allotment was of too limited an extent. That plan contemplated the erection of four dwelling-houses for the four masters which the institution was to comprise, somewhat on the model of the high schools of Scotland; and these houses were to be erected on the south side of Jamison-street, while a series of class-rooms was to be erected progressively, as they should be required, on the vacant portion of the Scots Church allotment fronting Church Hill. It was also proposed at the time to apply to the Legislature for an Act of Council to enable the Trustees of the Scots Church to alienate that portion of their allotment to the Trustees of the proposed academical institution, who were also to be put in possession, for the purposes of the institution, of the portion of ground agreed to be purchased from Sir John Jamison. A plan of the ground, shewing these intended improvements, was accordingly drawn up shortly before I left the Colony for England, on the 14th August, 1830, that is, a full year before Jamison-street was actually opened up; and it was definitively arranged, by all the three Trustees of the Church then in Sydney, that, in order to square the lines of both properties, the triangular portion of the Scots Church allotment marked A on the accompanying sketch, and containing four and a half perches, should be exchanged for the triangular portion of the allotment of Sir John Jamison marked B and containing four and three-fourth perches; for, as the whole of both of these triangular portions of ground was back-ground at the time, and had no frontage to any existing street, there could be no difference in their respective values.

I arrived in England in the month of December, 1830; and having some acquaintance at the time with the late Joseph Hume, Esq., M.P., I was strongly recommended by that gentleman to submit my plan for the establishment of an academical institution or college, in Sydney, to the Right Honorable Lord Goderich, then Principal Secretary of State for the Colonies. I did so accordingly, through Lord Howick, now Earl Grey, then Under Secretary of State; and the following copy of a note I had the honor of receiving from Lord Howick, enclosing a memorandum from Lord Goderich, exhibits the result of this application:—

“ Lord Howick presents his compliments to Dr. Lang, and encloses, for his information, a memorandum of the terms on which the Secretary of State consents to afford assistance from the Colonial Treasury, towards carrying into effect the plan proposed in Dr. Lang's letter of the 28th ultimo, for establishing an academical institution at Sydney, New South Wales.

“ *Downing-street, 13 January, 1831.*

“ MEMORANDUM.

“ Lord Goderich consents to the advance from the Colonial Treasury, in aid of the projected academical institution in Sydney, of a sum not exceeding £3,500, in different payments, in the course of the eighteen months next after Dr. Lang's landing in New South Wales, on condition that previous to each advance, the Governor shall be satisfied that an equal sum has been actually expended from the private contributions of the promoters of the undertaking.

“ It is to be understood that for the sum of £7,000 thus provided, namely, one half by subscription and the other by the Government, all the buildings necessary for the opening of the institution on a reduced scale are to be completed, care being taken that they are so arranged that it may be possible either to increase the establishment to the extent originally proposed, or to confine it to what shall have been done in the first instance.

“ The proposed buildings to be erected on the ground belonging to the Scotch Church, and security to be given on them for the repayment, in five years, of the money advanced from the Colonial Treasury. The five years to be calculated, on each instalment, from the date of its being advanced to the Trustees.”

At the period of my arrival in England, in December, 1830, there was much distress among the industrious classes in the Mother Country; rick-burning and machine-breaking were alarmingly prevalent in some of the English counties, and the Wakefield system of colonization having just been put forth under favourable auspices, the attention of the Government and the public was strongly directed to theories and means of emigration. Being personally known to certain public men of the day as a colonist recently returned from New South Wales, my opinion was asked on the subject by these gentlemen,* and received with much consideration both by them and by Lord Howick.

In

* In particular by the Right Honorable Robert Wilmot Horton, Under Secretary of State for the Colonies under Earl Bathurst, who wrote me a long letter on the subject.

In these circumstances, knowing, as I did, that the introduction of a number of superior mechanics from the Mother Country would be a public benefit of unspeakable value to New South Wales, and believing that, at the then usual rates of labour and living in the Colony, such persons would very soon be able to repay the cost of their passage out by weekly instalments from the wages of their labour, I made a further proposal to Lord Goderich, to the effect that, if His Lordship would authorize the payment of £1,500 of the sum which he had directed to be advanced for the establishment of an academical institution in Sydney, on my arrival in New South Wales, for the payment of their passage out, by a vessel to be hired for the purpose, I would carry out a large body of Scotch mechanics, for the erection of the requisite buildings. This proposal was cordially acceded to by His Lordship, in a letter of which the following is a copy:—

“Downing-street, 23 March, 1831.

“Sir,

“I am directed by Viscount Goderich to acquaint you, that he consents to the proposition contained in your letter of the 15th instant, and has accordingly instructed the Governor of New South Wales as follows, viz:—

“To pay to you the sum of £1,500 on your arrival in the Colony with the number of emigrants whom you undertake to land there; this sum to be considered a part of the £3,500 which Lord Goderich agreed to advance from the Colonial Treasury for the purpose of establishing a college, as stated in the memorandum which accompanied my note to you of the 13th of January last; and it being further understood that no additional advance will be made until the Colonial Government shall be satisfied that at least £1,500 shall have been actually expended on the proposed building.

“When this shall have been made to appear, the remaining £2,000 to be advanced at intervals, as originally agreed upon, you being held personally responsible for the due execution of this arrangement.

“The Rev. Dr. Lang,
“&c., &c.”

“I am, &c.,
“HOWICK.”

I accordingly engaged, for the erection of the contemplated educational buildings in New South Wales, a party of superior Scotch mechanics, the first that had ever been brought out to the Colony, with their wives and children, to the number of a hundred and forty persons in all, consisting of stone-masons, carpenters, plasterers, blacksmiths, &c.; with whom I embarked for the Colony, per the ship “Stirling Castle,” from the port of Greenock in Scotland, on the 1st of June, 1831; arriving in Sydney on the 13th of October following. My engagement with these mechanics was to afford them employment, in the erection of the proposed buildings, at the current wages of the Colony, for twelve months from the period of their arrival, on condition of their repaying the cost of their passage out, by certain weekly instalments from the wages of their labour.

Postponing for the present all reference to the educational aspects of the undertaking, I had brought out an experienced and strongly recommended Scotch architect and builder, Mr. George Ferguson, to superintend the mechanics and to carry on the buildings; and the following paragraph copied from a pamphlet published in Sydney, in November, 1831, and giving a narrative of the undertaking up to that period, will show, in accordance with the preceding details, what was then contemplated and intended.

“The buildings of the proposed college will be erected on the ground adjoining the Scots Church,—a situation which is perhaps the most eligible for such a purpose of any in the Colony—its elevation ensuring its salubrity, on the one hand, and its central position rendering it of easy access from all parts of the town, on the other. The importance of such a situation, both for day pupils, and for the delivery of courses of popular lectures to the more advanced youth of the town, in the evening, is too obvious to be overlooked. It is proposed, moreover, to erect, in the first instance, four houses, for the accommodation of the masters; the said houses to front the new street, running from the tower of the Scots Church to George-street, and to afford temporary accommodation for the different classes, till the main building, which will occupy the space intervening between the said street and Church Hill, is erected.”

The instructions given to Mr. Ferguson (who had a plan and description of the ground, and could make his drawings accordingly, on board ship, so as to commence operations immediately on arrival), were to erect four plain substantial houses of cut stone on the south side of Jamison-street, to cost £700 each, or at all events not to exceed £3,000 altogether. And simultaneously with the erection of these houses, which were commenced on the 21st of October, 1831, eight days after our arrival, an excavation was made for the immediate erection of a portion of the main building, for class rooms, in the line of Church Hill, at a cost of £115.

In pursuance of the arrangement I had thus made in England with Lord Goderich, the following entry appears in the Votes and Proceedings of the Legislative Council of the period:—

Council Chamber,
8th November, 1831.

His Excellency the Acting Governor then laid before the Council the following Minute, viz:—

“His Excellency the Acting Governor, in pursuance of instructions from the Right Honorable the Secretary of State, has the honor to inform the Council that His Lordship has been pleased to consent to an advance from the Colonial Treasury of a sum not exceeding three thousand five hundred pounds, to the Reverend Dr. Lang, in aid of an academical institution, to be formed in Sydney, on the principles of the schools and colleges of Scotland.

“It is intended that this advance should be made in different payments, in the course of eighteen months next after Dr. Lang’s landing in New South Wales, on condition that previous to each advance an equal sum shall have been actually expended from the private contributions of the promoters of the undertaking, and that security be given on the proposed buildings which are to be erected on the Scotch Church Estate, for the repayment in five years of the money advanced from the Colonial Treasury; the five years to be calculated on each instalment from the date of its being advanced to the Trustees who may be appointed.

“The Secretary of State has also subsequently consented to an advance of one thousand five hundred pounds, being part of the three thousand five hundred pounds above alluded to, being made to Dr. Lang immediately on his arrival in the Colony with a certain number of immigrants; and as Dr. Lang has now arrived and fulfilled the condition upon which this advance was to be made to him, His Excellency recommends to the Council that the sum of one thousand five hundred pounds should accordingly be paid to Dr. Lang from the Colonial Treasury, it being understood that no further advance will be made to him on this account until a sum equal to that amount shall be actually expended on the proposed buildings.

“P. LINDESAY.”

“Government House,
“8th November, 1831.”

The question was then put that the sum of fifteen hundred pounds should be appropriated in the manner recommended in the foregoing Minute, and carried unanimously in the affirmative; security to be taken on the proposed buildings for its repayment, in such manner as may be judged expedient by the Attorney General.

The Council then adjourned *sine die*.

E. DEAS THOMSON,
Clerk of the Council.
This

This advance, it is necessary to observe, was made by the local Government, for the payment of the charter of the ship "Stirling Castle" exclusively; no part of it having ever been applied towards the erection of the buildings then in progress.

In the meantime, the Colonial public were earnestly invited to co-operate in the establishment of the proposed institution; and a public meeting was accordingly held, with this view, on the 23rd December, 1831, that is, upwards of two months after the buildings in Jamison-street were commenced. The following is an extract of the account of that meeting, in the *Sydney Herald* of the period:—

AUSTRALIAN COLLEGE.

(Sydney, 23rd December, 1831.)

"A MEETING of the Shareholders of this institution, and of other friends of education in Sydney and its vicinity, having been held this day in Mr. Underwood's Buildings, Church Hill, pursuant to advertisement, Campbell Drummond Riddell, Esq., Colonial Treasurer, in the Chair, the following Resolutions were unanimously adopted as the basis of the future constitution:—

- "That an academical institution be formed in Sydney for the education of youth in the higher, " as well as the elementary branches of useful knowledge.
- "That the said institution be designated "The Australian College," and be available for pupils " or students of all religious denominations on the most moderate terms.
- "That a capital of at least £3,500 be raised, in shares of £25 each, payable by instalments, " for the establishment of the said College, and that as the Right Honorable Lord Viscount " Goderich, His Majesty's Secretary of State for the Colonies, has been graciously pleased " to grant a loan of £3,500 from the Colonial Treasury, to assist in accomplishing so " desirable an object, on condition that a similar amount shall previously be expended " on the part of the public, the sum of £3,500 shall accordingly be raised, and applied in " erecting the requisite buildings, and in meeting the other expenditure already incurred. " provided such expenditure shall be found conducive to the general object of the institu- " tion.
- "That the government of the college shall be vested in a council of thirteen, twelve of whom " to be annually chosen by the whole body of proprietors, and the thirteenth to be a member " of such council, in right of office, as hereinafter to be stated: any proprietor to be eligible " as a member of council, and four members to constitute a quorum.
- "That the said council shall have the exclusive management and disposal of the funds of the " college, and the entire control of all matters relative to the erection of buildings, the " appointment of masters, the amount of salaries, the regulation of fees, and the purchase " of property, books, or apparatus, for the college; and that the said college council shall " submit a statement of their accounts, and a report of their proceedings, previous to their " laying down their office, at the annual meeting of the proprietors.
- "That the Revd. John Dunmore Lang, D.D., be the Principal of the said college, but " without emolument, and without any active share in the business of education, until the " completion of the arrangements into which he has entered with His Majesty's Government, " for the establishment of the said college; as also with certain Scotch mechanics, for the " erection of the requisite buildings, and with certain parties in England, for the payment of " books, apparatus, &c.; on the completion of which arrangements he shall surrender the " said office into the hands of the council."

Unexpected difficulties, however, very speedily arose, from not fewer than three different quarters, in the progress of the undertaking; imperilling its success on the one hand, and subjecting myself individually to unprecedented and ruinous sacrifices on the other.

1. The Sydney Grammar School, which had been projected, and had obtained a valuable allotment of ground from Government, in 1825, but had fallen into abeyance for a series of years thereafter, had been revived, under the designation of the Sydney College, in 1829; at which time I took part in the undertaking, assisting at the laying of the foundation stone of the proposed building, and paying £5 as the first instalment of one or two shares in the institution. But when meeting after meeting had been held on the subject, for many successive months, and the only result was much talk and not a little squabbling, I wrote to my father, who was a practical man, and was then residing with my brother on his estate near Maitland, requesting him to come to Sydney, to give such advice and assistance for the erection of a suitable building for the institution as I knew he was well able to give. Mr. Lang willingly complied with my request, and came to Newcastle in the month of March, 1830; where, as there were no steamboats then in the Colony, he embarked in a small coasting vessel to come to Sydney. But a furious storm from the south-east ensuing, the unfortunate vessel foundered at sea, and all on board perished. I confess I considered this an intimation from Divine Providence that I should have nothing further to do with the Sydney College; and my relatives in the Colony naturally insisted that I should not. I therefore attended no further meetings of the parties connected with the undertaking, if any other were held thereafter; and when the projected opening of Jamison-street, in June or July, 1830, suggested the practicability of establishing an academical institution in Sydney under other and more favourable auspices, I made my arrangements accordingly, and sailed for England.

In the meantime the Sydney College was in a state of complete abeyance, and it would probably have continued in that state for an indefinite period, had not the report of my success in England, and the prospect of my speedy return to the Colony with the requisite educational and other apparatus for the immediate establishment of another institution, served to revive it and to create something like a soul under its ribs of death. The promoters of the Sydney College happened at the time to have the command of the press; and, under the influence of those feelings of rivalry and jealousy that are not unusual in such cases, they trumped up a series of charges against me—accusing me, forsooth, of having betrayed their cause and interest in England, of having traduced and calumniated them to Lord Goderich, and of having artfully appropriated for another institution the bounty which His Lordship had intended for them. It will surely be unnecessary for me to state that there was not even the shadow of truth in any of these charges. I had no occasion to say anything to Lord Goderich about the promoters of the Sydney College, and I never did so in any way. As a public body they were dead when I left the Colony, and I was strongly of opinion that they would remain so; as they had done so long before, from the year 1825. I simply set forth, therefore, in my communication to His Lordship, the want of any adequate provision for superior education in New South Wales; submitting my own plan in the case, and soliciting assistance for carrying it out. But any counter statements of mine here went for nothing. There was a fixed determination to subvert and defeat the whole undertaking in which I was thus engaged; and with this view the charges were rung on these contemptible charges every successive week for a whole twelvemonth and more, while the Scotch mechanics I had brought out were employed in the erection of the buildings in Jamison-street, and I had to look to the public for the requisite funds to keep them employed. The general effect of this unprincipled proceeding may be estimated from a single instance. The late Thomas Burdekin, Esq., a gentleman whom I had not known previously, was so taken, on my return from England, with my successful efforts for the Colony, that he very generously subscribed £200 to carry out my undertaking; but when my alleged treachery to the Sydney College had been urged upon him again and again as a sufficient reason why he should show me no countenance, he discontinued his subscription entirely after he had paid only £40. And this was by no means a solitary case of the kind.

2. I had been induced, in consequence of the extraordinary excitement in England, at the period of my arrival in London towards the close of the year 1830, on the subject of emigration and colonization, as a means of relieving the then prevalent distress among the agricultural classes of the Mother Country, to address a letter to Lord Viscount Goderich, of date, London, December 30, 1830, pointing out to His Lordship two sources of revenue available, as I conceived, for His Majesty's Government, for the promotion of emigration to New South Wales. The first of these sources of revenue then available for emigration was the sale of numerous valuable allotments of land in and near the town of Sydney, of which I submitted to His Lordship a list and description. The second was the revocation of the Charter to the Church and School Corporation of New South Wales, and the sale of the lands granted to that body; which I strongly recommended as a measure of public policy indispensably necessary for the peace and welfare and advancement of the Colony. In urging the latter of these measures, I had used the following language, which it seemed to me the case fully justified, although in doing so I had not the slightest intention of giving personal offence of any kind or in any quarter; and the circumstance of my having published my letter to Lord Goderich, on my return to the Colony, in an appendix to a pamphlet detailing my successful efforts at Home, in the cause of education, will, I am confident, bear me out in this assertion.

"In the second place, your Lordship is doubtless aware that, in the year 1825, a Corporation was established by Royal Charter, in the Colony of New South Wales, to which a seventh of the whole territory was granted for the support of the Episcopal Church and Schools of the Colony, on the avowed understanding that the said grant would immediately, and for ever, relieve the Colonial Government of the burden of supporting these establishments. Your Lordship is doubtless aware also, that that institution has utterly failed of its intended object; the Corporation having actually borrowed from the Colonial Government, at the rate of from £10,000 to £22,000 per annum, for the support of the Episcopal Church and Schools of the Territory, while the mere cost of its management, exclusive of the salaries of clergymen and schoolmasters, has hitherto been from £1,500 to £2,000 per annum—a sum considerably greater than is annually expended for the management of all the Church and School affairs of His Majesty's ancient Kingdom of Scotland.

"But the Church and School Corporation of New South Wales has been productive, my Lord, of still greater evils to the community at large, than any arising from the mere expense of its management. It has tended to identify the Episcopal clergy, in the estimation of the whole Colony, with secular pursuits. It has given extreme dissatisfaction to many respectable emigrants, who have had to go far into the Colonial wilderness with their families, in search of land to settle on, while numerous tracts of land, of the first quality, were lying utterly waste in the most accessible and eligible situations, in the hands of the Corporation. It has excited a spirit of disaffection towards His Majesty's Government, among the native youth of the Colony; and I will even add, my Lord, has sown the seeds of future rebellion. In short, the Church and School Corporation of New South Wales, instead of proving a benefit either to the Government or to the Episcopal Church—as its projectors unfortunately persuaded His Majesty's Government it certainly would—has lain as a dead weight on the Colony for the last five years, repressing emigration, discouraging improvement, secularizing the Episcopal clergy, and thereby lowering the standard of morals and religion throughout the Territory.

"If I were soliciting your Lordship for a portion of the Corporation land in New South Wales, for the permanent support of the Presbyterian Church in that Colony, your Lordship would have good reason to receive these representations with extreme suspicion; but I have no such desire, my Lord. Sincerely desirous that the Presbyterian Church in New South Wales should have its chief patrimony, and its chief dependence, and its sheet anchor in the affections of the people, my only object in making such statements is, to recommend to your Lordship the propriety and the expediency of gradually disposing of the whole of the Corporation land (with the exception of those reserves which it might be expedient to retain, for the formation of communes or villages of free pauper agriculturists), by public auction; to employ the whole fund arising from such sales in the promotion of emigration; and to transfer the support of the Episcopal clergy to the Colonial Revenue."

In looking back at this letter, after an interval of nearly thirty-two years, I confess I can see no impropriety whatever, either in the recommendation it embodied, or in the language in which that recommendation was couched. On the contrary, I feel not a little gratified at finding that this was the first formal and public protest on the part of any portion of the inhabitants of this Colony, against what has since been almost universally regarded as an enormous and intolerable grievance, which even the Imperial Government deemed it expedient and necessary, very shortly thereafter, to redress, by adopting the very course I had recommended, in dissolving the Church and School Corporation.

But the Archdeacon, afterwards Bishop Broughton, being a man of a very sensitive disposition, viewed the matter in a totally different light; and construed my letter into a calumnious and libellous attack upon the Episcopal clergy of the Colony, artfully designed, to ensure my own individual success with Lord Goderich, in the sinister and sectarian object I had solely in view. The Archdeacon accordingly drew up a lengthy and intemperate charge against myself, in a joint letter to his Lordship, which was signed by himself and certain other members of the Corporation, and was forwarded to England by a vessel then on the point of sailing, before I was favoured with a copy of it to write a reply, which I had consequently no opportunity of doing for many weeks thereafter. Nay, not satisfied even with this notice of my letter, and availing himself of the means of making it the subject of all manner of unfavourable and damaging comments, in reference to myself, in a place where I had no opportunity either of defence or of reply, he got the following vote of censure passed upon me by the Legislative Council of the period:—

VOTES AND PROCEEDINGS, &c.

Thursday, 15th March, 1832.

"Council resumed, and it was resolved,—

"That His Excellency the Governor be requested to communicate to the Right Honorable the Secretary of State, the opinion of this Council that the charges against the Protestant Episcopal Clergy of the Colony, contained in the letter addressed by Dr. Lang to Viscount Goderich, were unfounded and unwarrantable; and that the publication of the same was a highly improper and censurable act."

Taking into consideration the composition of Colonial society at the time, the despotic character of the Government, and the degraded position of a large portion of the population, this was tantamount to placing me under the ban of the Empire; and whatever may have been its intention, it was directly calculated to ruin the whole undertaking with which I was then identified. At one of the subsequent meetings of the Australian College Council, from which I happened to be absent on clerical duty in the interior, Campbell Drummond Riddell, Esq., then Colonial Treasurer, stated that he had had a conversation with the Archdeacon on the subject of the institution, the educational character of which was then standing very high in the Colony; and that the Archdeacon was quite willing to be placed at the head of it, provided they could only get rid of Dr. Lang. Considering that I had undertaken a voyage to England to originate the institution, that I was pledged, as one of the Trustees of the Scots Church, to surrender the vacant portion of our allotment to carry it out, on the conditions specified at the public meeting of the 23rd December, 1831, and that even at this period the entire contributions of the public were but a trifle compared with my own, this was certainly a very modest proposition on the part of Mr. Riddell. It was the late James Chisholm, Esq., of George-street, Sydney, who informed me of the fact, and he did so with an expression of indignation at the proposal which was quite characteristic of Mr. C. as an old Scotchman. Mr. Chisholm's report was afterwards confirmed to me by the late David Ramsay, Esq., M.D., of Dobroyd; and it showed me pretty plainly with what influences I had thus to contend in carrying on the undertaking in which I was engaged.

3. But the heaviest calamity that befel our institution originated in a totally different quarter from either of the two I have mentioned. Mr. George Ferguson, the architect, although confessedly a man of superior ability in his profession, was, like many others of that profession, a man of extravagant ideas, and singularly devoid of common sense. He had been instructed, as I have already stated, to erect four plain, substantial houses in Jamison-street, at a cost not exceeding £3,000 altogether; but his plan, which was unfortunately approved of in the first instance, in entire ignorance of its real character, has cost, agreeably to the testimony of three experienced builders in Sydney in 1841, confirmed, as it is, by that of a respectable builder at present in Sydney, not less than four times that amount, or £12,000.

It was a considerable time, however, before this disagreeable truth burst upon those concerned; and as the large body of Scotch mechanics whom I had brought out per the "Stirling Castle" had in the meantime been employed on the buildings, these buildings were too far advanced to admit of a remedy. It was determined, therefore, to postpone the erection of the main building, or series of class-rooms, on Church Hill, for which, as I have already stated, the foundation had been actually excavated, and to form a temporary class-room in each of the four then in progress.

In accordance with the instructions of Lord Goderich, that £1,500 of the whole amount to be advanced by the Government should be paid on my arrival in the Colony, that sum was paid accordingly, as stated above; but it was devoted exclusively, according to previous agreement, towards the payment of the passage out of the Scotch mechanics, no part of it having been available for the erection of the buildings. And as upwards of twelve months elapsed from the period of our arrival before any further payment was made by the Government (the Act of Council authorizing the Trustees of the Scots Church to give a mortgage on their property, as security for the money to be advanced, not having been passed till the 13th October, 1832,) very serious difficulty was experienced, under the extremely depressing influences above-mentioned, in supplying the funds necessary from time to time to carry on the undertaking. For while a comparatively large expenditure was necessarily incurred in the first instance in the construction and maintenance of the educational machinery of the institution, independently altogether of the cost of the buildings, the stream of public liberality was, from the causes I have detailed, gradually dammed up and at length ceased to flow; the whole amount contributed by the public for all the purposes of the institution, up to the 11th March, 1836, that is, during the first four years of its existence, even including my own paid up subscription of £50, being only £1,300.

In these circumstances the college council proposed to put a stop to the buildings, to dismiss and disperse the mechanics employed in their erection, and thereby virtually to declare the whole undertaking a failure. To this proposal, however, I could on no account consent—first because I was the principal promoter of the undertaking, and was made solely responsible to Lord Goderich for carrying it out, as was formally recognized in the Resolutions of the 23rd December, 1831; secondly, because I was under a positive engagement with the Scotch mechanics to give them regular employment in the erection of the educational buildings for twelve months certain after their arrival in the Colony; and thirdly, because these mechanics were working out a great experiment of transcendent importance to the Colony, however disastrous and ruinous it might prove to myself. I accordingly insisted that the buildings should be carried on; and when my own powers of borrowing to carry them on were at length exhausted, as they were eventually, even although I was paying in some instances twenty per cent. interest, I was under the necessity of disposing of my own personal property by piecemeal, and at a ruinous sacrifice, to supply the requisite funds. The following are the items of property I had thus to dispose of, in carrying out an experiment of transcendent importance to the welfare and advancement of the Colony:—

1. My father's town allotment in Sydney, which had fallen to me by his death in 1830, consisting of nearly an acre of ground fronting Kent, Bathurst, and Sussex streets, with a two-story verandah house on it;—this property, which would now be worth from £10,000 to £15,000, brought somewhat less altogether, when it was sold, in 1832, than £2,500.

2. The property on Church Hill, where I then resided, since known as Petty's Hotel, fronting five streets, including Clarence-lane,—for the whole breadth of Clarence-street was then a part of my garden, and had to be surrendered to the Government, in the emergency of the moment, without a farthing of compensation, in order to get a valid title to the rest of the property, which realized altogether not more than £2,500.

3. My father's grant of two thousand acres of land at Sutton Forest and Bong Bong, which had also fallen to me;—it sold for £1,500, in 1834.

4. A property of my own, consisting of twelve hundred acres of land adjoining Illawarra Lake;—this property, which has recently been selling in small farms at prices varying from £20 to £30 per acre, brought me only £2 per acre, or £2,400 altogether, when I had to dispose of it, in 1835, in consequence of the debts and difficulties in which I was then involved, through the events and occurrences of the three previous years.

Such, then, was the source from which the funds for the erection of the Australian College Buildings were principally, and almost exclusively, derived; for a large expenditure, as will appear in the sequel, had to be incurred simultaneously, in addition to the cost of the buildings, in organizing and sustaining the educational machinery of the institution.

In the year 1841, circumstances to which I shall presently refer led to an inquiry into the affairs of the Australian College by a Select Committee of the Legislative Council, of which the Honorable E. Deas Thomson, Esq. was Chairman; and as it appeared in the course of that inquiry that the mortgage granted to the Government, in pursuance of Lord Goderich's despatch, was confined to the Scots Church allotment, while the buildings then in progress were principally erected on the ground purchased from Sir John Jamison, I was virtually held up in the Report as having practised deceit upon the Government, in professing to give a security on buildings erected on one portion of ground, while they were actually erected on another; and the Government, believing this charge to be well founded, were induced, at the instance of the Committee, to commence proceedings forthwith by an equity suit in the Supreme Court, to foreclose the mortgage.

But the charge virtually brought against me by Mr. Thomson was wholly unfounded; and Mr. Thomson, as custodian of the public records, first as Clerk of the Legislative Council, and afterwards as Colonial Secretary, ought to have known better than to have done me such an egregious injustice; for he had actually in his own possession at the time a printed Council Paper, signed by Sir Richard Bourke, proving that the charge in question was completely groundless. For as, in order to save expenses, I had drawn up the draft of a Bill to authorize the proposed Government mortgage of 1832, with my own hand, that draft, which was read a first time, and ordered to be printed by the Legislative Council, and of which I still possess a printed copy, contained a clause giving the Government security, not only on the Scots Church allotment, but on the ground purchased from Sir John Jamison, and on all the buildings erected on both. But, as Lord Goderich's despatch specified that the security should be taken on the buildings erected on the Scots Church ground, Mr. Kinchela, the Attorney General at the time, struck out the clause I had thus embodied in my draft of the Bill, when it was submitted for his revision, previous to its being read a second time, and the security was consequently limited accordingly. It will scarcely be necessary, after what has been stated above, to repeat that, in the erection of the buildings in great measure on the ground purchased from Sir John Jamison, all parties concerned had acted in perfectly good faith, and that Mr. Thomson's charge was entirely gratuitous; both portions of ground being regarded as one and the same property, to be appropriated exclusively for the purposes of education.

Contrary to the advice of all my friends, I resisted the attempt of the Government to foreclose the mortgage—first, on the ground I have just stated, viz., that the charge on which the prosecution was virtually

virtually based was entirely groundless; secondly, because it had never been the intention of Lord Goderich, as he signified in my own hearing, in the Colonial Office, when Lord Howick was present, to recall the loan, if it could be proved to have been honestly expended, as I could easily show had been the case; and thirdly, because the Government had already received much more than an equivalent for the whole amount advanced, although in a somewhat different form from the one originally contemplated, in valuable services rendered to the public in connection with the undertaking generally.

It had been stipulated from the first, as I have stated above, that an Act of the Legislature should be procured to enable the Trustees of the Scots Church to alienate to the trustees of the academical institution, or college council, the vacant portion of their allotment lying between Jamison-street and Church Hill, on the implied condition of their accepting and fulfilling the engagements I had entered into with Lord Goderich, by raising, from the contributions of the public, within eighteen months after the commencement of the undertaking, the sum of £3,500 to meet the proposed advance of a similar amount on the part of the Government. And it was also agreed at the time, in order to save the expense of a reconveyance, that the deed of sale of the ground purchased from Sir John Jamison should be made in favour of the college council; the payment of the purchase money to Sir John being purposely deferred till these arrangements should be completed. But so far from this condition having been fulfilled by the college council, the whole amount contributed by the public during the first four and a half years of the existence of the institution, or until the year 1836, did not exceed £1,300; and the whole of that amount, and considerably more, had been expended in the establishment and support of the educational machinery of the institution—leaving not one farthing available from the contributions of the public for the erection of the buildings.

In these circumstances, the proposed transfer of the ground to the college council was out of the question. And when, in order to sound His Excellency on the subject, the matter was mentioned to Sir Richard Bourke, by certain parties who would willingly have thrown me overboard in the matter, notwithstanding the enormous sacrifices I had made in the cause, and who accordingly proposed to Sir Richard that an Act should be passed to authorize the stipulated transfer, he indignantly refused to sanction it—like an honest man as he was. In this way the college council, failing to obtain the requisite control over the property and management of the institution, which they had reckoned on obtaining from the first, gradually withdrew from it, and became defunct—a consummation which was greatly accelerated by the debts and difficulties in which it had involved its promoters. In the meantime Sir John Jamison had never been paid for his ground; and on my return to the Colony from a voyage to England and America, in the month of March, 1841, he threatened to seize the two lower buildings, which were erected entirely on that ground, unless he were paid immediately. In these circumstances I paid Sir John £497, the full amount then due him, and got a deed of sale of the ground to myself, for uses, as it is termed, that is, reserving all existing rights and claims upon the ground and buildings.

The college council had therefore become extinct some time before the year 1841; and the hostile position then taken up by the Government against myself, as the principal promoter of the undertaking, precluded all hope of its being ever revived. Unwilling, however, to submit silently to the reproach implied in the Report of Mr. Thomson's Committee, and desirous that the whole case of the Australian College, from its commencement, should be submitted to men of business and of standing in the community, competent to the task on the one hand and unprejudiced on the other, I requested the four following gentlemen (who had then recently been appointed Trustees of the Scots Church, and who had virtually succeeded in that capacity to the defunct college council) to investigate the matter in all its bearings, and to report for the information and satisfaction of the public. The gentlemen I refer to were the late David Ramsay, Esq., M.D., one of the four original Trustees of the Scots Church; Thomas Brown, Esq., now in England; Thomas Cadell, Esq., since deceased, and George Bowman, Esq., of Richmond. The last three of these gentlemen had then, as I have stated, been all recently appointed Trustees of the Scots Church, along with the two original Trustees, Dr. Ramsay and myself; and although that appointment has since been declared invalid by the Supreme Court, in the course of certain comparatively recent law proceedings, this can neither affect nor invalidate their decision in a mere matter of business, submitted to their judgment as intelligent and disinterested members of the community.

The following, therefore, are extracts from the Report of these gentlemen, of date, Sydney, 29th September, 1841:—

"That in pursuance of this arrangement [the arrangement with Lord Goderich above mentioned] a considerable expenditure was incurred in England by Dr. Lang, in the year 1831, for the purchase of books and apparatus for the proposed institution, and for the engagement and bringing out of certain head masters or professors; and that on the 21st of October of the same year, certain buildings were commenced for the institution on the ground above mentioned, to consist of four dwelling-houses for the four head masters or professors, with accommodation in each for a considerable number of boarders.

"That the colonial public having been invited to take an interest in the institution, and to cooperate for its establishment, a public meeting was held in Sydney, on the 23rd of December, 1831, at which a number of shares of £25 each were taken in the institution, and certain resolutions passed as the basis of its future constitution, of which the following was the third, viz.:—

"That a capital of at least £3,500 be raised, in shares of £25 each, payable by instalments, for the establishment of the said college; and that as the Right Honorable Lord Viscount Goderich, Her Majesty's Principal Secretary of State for the Colonies, has been graciously pleased to grant a loan of £3,500 from the Colonial Treasury to assist in accomplishing so desirable an object, on condition that a similar amount shall previously be expended on the part of the public, the sum of £3,500 shall accordingly be raised and applied in erecting the requisite buildings, and in meeting the other expenditure already incurred, provided such expenditure shall be found conducive to the general interests of the institution.

"That on the faith of this pledge being redeemed within a reasonable period, that is within eighteen months or thereby, Dr. Lang engaged, on the part and with the concurrence of the other Trustees of the Scots Church, to convey to the college council, on the part of the shareholders, the whole of the vacant ground belonging to the Scots Church, for the purposes of the institution; apprising the local Government at the same time of the said engagement, and offering the Government, agreeably to the original stipulation with the Secretary of State, security for the above-mentioned sum of £3,500, to be advanced from the Colonial Treasury, on the whole of the buildings then erecting for the college, as well as on all the ground either originally belonging to the Scots Church, or obtained partly by exchange and partly by purchase from Sir John Jamison.

"That the said pledge, on the part of the shareholders and the public, has never been redeemed—the whole amount contributed by the public for the establishment of the Australian College during the first four years and a half after the aforesaid public meeting of the 23rd December, 1831, or until the 20th June, 1836, having been only £1,300; and the whole amount so contributed up to the present moment being only £1,850, or thereby.

"That in consequence of this failure on the part of the shareholders and the public, Dr. Lang was obliged, in pursuance of his own agreements in England with the Secretary of State and the Scotch mechanics, respectively, to raise the requisite funds for the promotion of the undertaking, by effecting ruinous sales of much valuable property of his own in Sydney and elsewhere, by which the whole of the Government grant, instead of a small part of it only, as would otherwise have been the case, was secured for the institution; and that it was, therefore, through this individual sacrifice, and

"not

"not through any enlightened, liberal, and combined effort on the part of the Colonial public, that the Australian College was actually established.

"That it is the opinion of three practical and highly competent men, who have been personally examined on the subject, viz., Messrs. Brodie and Craig and Mr. Duncan Campbell, that considering the period at which they were erected, the Australian College Buildings [in their then present state] could not possibly have cost less than £2,000 each, or £8,000 altogether, and that it would not be safe for any builder to undertake the erection of similar buildings at the present time, for less than £3,000 each, or £12,000 altogether.

"That the additional expenditure incurred for the establishment of the college, as ascertained by a committee appointed for the purpose, at a general meeting of the shareholders, held on the 11th March, 1836, and consisting of Thomas Barker, Thomas Walker, and the late John Wallace, Esquires, was as follows, viz. :—

	£	s.	d.
" Cost of the excavation of the foundation for the main building, not yet erected,			
" of fencing, and of certain minor erections	115	2	0
" Passage money of head masters or professors, brought out to the Colony in			
" the years 1831 and 1834; rent of the house, now belonging to Mr. Unwin,			
" for a temporary dwelling-house and class-rooms, for eighteen months or			
" thereby; cost of philosophical apparatus, purchased in England in 1831;			
" and of furniture for the class-rooms, procured in the Colony in 1832	836	11	4
" Salaries paid by the Treasurer for the year 1832, while the institution was in			
" its infancy, and unable to meet its current expenses	369	4	8
Total	£	1,320	18 0

"That the whole cost of the establishment of the college has therefore been as follows, viz. :—

	£	s.	d.
" Original cost of the four buildings	8,000	0	0
" Repairs of the two lower buildings	250	0	0
" Additional expenditure ascertained by the Committee of 1836	1,320	18	0
" Cost of the two allotments purchased from Sir John Jamison	497	0	0
Total	£	10,067	18 0

"That in these circumstances, it being desirable and necessary that the question of property should now be definitively settled, and the claims of all parties interested finally adjusted, it is equitable and just that, as two of the four buildings have been erected entirely by Dr. Lang, Dr. L. should be confirmed in the possession of the two lower buildings, in satisfaction of his claims."

It had long been acknowledged and regretted that the costly buildings that had been so unfortunately erected for the Australian College through the folly and recklessness of the Scotch architect, Mr. Ferguson, were altogether unsuited for the purposes of an academical institution. As soon, therefore, as the two lower buildings had been declared by competent authority my personal property, I mortgaged them to the Loan Company to enable me to complete them as dwelling-houses, and to erect a hall or lecture-room for the Institution, as had originally been proposed, on the opposite side of Jamison-street. That hall was accordingly erected at a cost of from £800 to £1,000, and the classes of the institution were accordingly conducted in it by a head master and an assistant, from the year 1842 till the 1st of July, 1854; when, in consequence of the passing of the Affiliated Colleges' Act, and the more favourable prospects for superior education, which that Act seemed to open up, the classes were finally discontinued. The masters were in the meantime accommodated in the third of the college buildings; but as both that building and the fourth were but half finished when the two lower buildings were assigned to me in 1841, I took a fresh mortgage on my own two, to enable me to finish the other two. That mortgage, which (including the former one,) supplied the funds for completing the whole four buildings, and erecting the hall or lecture-room, amounted to £4,500.

In the meantime the Government prosecution for the foreclosure of the mortgage of 1832, was carried on with all the energy and ability which the Attorney General of the period, afterwards Mr. Justice Therry, could bring to bear upon the discharge of his public duties. It extended over more than three years (for the plaintiff's bill had to be amended again and again), and subjected me to a pecuniary outlay of not less than £400 for the costs of the defence. But the elders of the Scots Church having, in the meantime, filed a cross-bill, on behalf of the congregation, when the case was otherwise about to be decided for the Government, the mortgage was declared invalid in law by Mr. Justice A'Beckett, before whom the case was tried. I considered the expedient which was thus resorted to by the elders, and which aroused the indignation of the learned Judge, perfectly justifiable in the case; as I could not but regard the prosecution, for the reasons I have stated above, both unwarrantable and iniquitous. I should be sorry, however, to claim any exemption from a just demand, either on the part of the Government or on that of any private individual, in consequence of a mere legal flaw or technicality of any kind. I claim the cancelling of the Government mortgage on other and far higher grounds to be stated hereafter.

In regard to the educational character of the institution, the plan, as approved by Lord Goderich, was as follows:—

- " I. That the contemplated institution should comprehend at its outset,—
 - " 1. An English department, for English, English composition, &c., &c.
 - " 2. A mercantile department, for writing, arithmetic, book-keeping, &c., &c.
 - " 3. A classical department, for the Latin and Greek languages; and
 - " 4. A mathematical and physical department, for mathematics and such branches of natural philosophy as it should be found expedient to cultivate.
- " II. That each of these departments should be under the management of a separate master, to be appointed on the recommendation of the University of Edinburgh or Glasgow.
- " III. That each of these masters should have a small permanent salary from the funds of the institution, a free house, and fees from the pupils.
- " IV. That the institution should be accessible to persons of all denominations, and no attempt whatever made to proselytize; but that instruction should be afforded, at stated times, in the principles and duties of the Christian religion, to those pupils only whose parents or guardians should not object to their receiving it.
- " V. That the institution should, in the first instance, be under the general superintendence of the writer."

For the classical department of the institution, the Rev. Henry Carmichael, A.M., of the University of St. Andrews, was appointed; and for the English and Mercantile, respectively, the Rev. William Pinkerton and the Rev. John Anderson, both of the University of Glasgow. The mathematical and physical department was held, during the first year of the institution, by the late Rev. Dr. McGarvie, who delivered a course of lectures to the pupils, which were illustrated with numerous experiments; an extensive and valuable philosophical apparatus, including an air pump, a double-plate electrical machine, an air engine, Attwood's machine, a powerful galvanic battery, &c., having

having been purchased for the institution from the laboratory of the celebrated Dr. Ure, of Glasgow, a gentleman of European celebrity.

Under these gentlemen the institution was commenced in December, 1831, and it soon attracted a goodly number of pupils; the cost of education being at once reduced from £20 per annum, under a single master (the rate previously current in the Colony) to £12, under three.

At the close of the year 1832, the Rev. John Anderson accepted a call to the pastorate of the Scots Church at Launceston, Van Diemen's Land, and the Rev. William Pinkerton died early in 1834; but I had, in the meantime, gone to England again on behalf of the institution—returning to the Colony towards the close of 1834, bringing out along with me two other masters, the Rev. Robert Wylde, A.M., and the Rev. David McKenzie, A.M., and making arrangements for a third, the Rev. Thomas Aitken, A.M., to follow, which he did in 1836.

The Rev. H. Carmichael having retired from the institution at the close of the third year of his engagement (31 December, 1834), agreeably to an arrangement for which he had stipulated previous to his coming out from England, Messrs. Wylde and McKenzie entered upon their labours in carrying on the duties of the institution on the 1st January, 1835. They were afterwards joined by Mr. Aitken; and the business of the institution was thenceforth conducted by these three gentlemen—Mr. Wylde taking the classical, Mr. Aitken the mercantile, and Mr. McKenzie the English, mathematical and Natural Philosophy departments—till the middle of the year 1842. Of the prosperous and highly flourishing state of the institution during this period the following Report is given by the Honorable Sir William Burton, late President of the Legislative Council, in his work on New South Wales:—

“REPORT of the Honorable Sir William Burton on the Educational State of the Australian College, during the years 1838 and 1839:—

“To the activity and perseverance of the Rev. Dr. Lang, the senior chaplain of the Presbyterian Church, is to be ascribed, not only the establishment of that Church in New South Wales, and, afterwards, its increase in the accession of numerous clergymen of the same communion, but also the introduction into the Colony, of many useful and excellent men as instructors of youth, and especially the establishment of the Australian College; which is to be regarded, as it was intended, not only as a seminary for general education, in which youth of all denominations might receive instruction, but particularly as a College for the propagation of the principles of the Presbyterian Church in New South Wales, and in the Pacific Ocean.

“Hitherto, the Australian College has been only an elementary and classical school,* conducted by clergymen of the Church of Scotland, Dr. Lang being the Principal: ‘It was proposed, however,’ (says its founder) ‘from the first, that it should occupy a higher or collegiate position as soon as possible, affording to colonial youth of a more advanced standing, similar educational advantages to those afforded in the mathematical, philosophical, and natural history classes of the Universities of Scotland.’ And again, after describing the educational establishment of the College, Dr. Lang proceeds, ‘An educational establishment of this extent, will enable the Australian College to afford the native candidate for the ministry in New South Wales, a course of preparatory education, somewhat similar to the one prescribed for candidates for the ministry in the Church of Scotland, previous to the commencement of their theological course. There is reason to believe, moreover, that there will be ample means of establishing a course of theological education before the first series of students in the institution shall have completed their preparatory curriculum.’”

“The number of students in the college during the year 1838, was 116; of this number 32 attended these Latin classes,—the first, learning the grammar; the second, Macgowan's “Latin Reading,” Part II., and Valpy's Delectus; the third were, at the commencement of 1839, reading Livy, and acquiring the elements of Greek. In the natural philosophy classes lectures, illustrated by experiments, are delivered, and subjects prescribed on which the students write by way of exercise; of these essays (some of which extended to 60 closely written pages), several hundred were given in during the year, and several were read with much gratification by the writer of these observations, as shewing in many instances acuteness of observation and reflection, particularly interesting and useful as indications of the natural bent of the mind of the pupil, each being at liberty, out of a number of subjects proposed to write upon that which he chose.

“In the mathematical class, Euclid's Elements and Bland's Geometrical Problems were used as text books. In the course of the year, about 46 attended the classes for natural philosophy and mathematics.

“About 70 attended the classes for history and geography. The books used were the common school Histories of Greece and Rome (with questions) and Steward's Geography.

“Nearly the whole number of pupils attended the classes for writing and accounts. Engaged in giving these instructions, there were in the year 1838, and at the commencement of 1839, the Rev. Thomas Aitken, A.M., the Rev. David McKenzie, A.M. and the Rev. Robert Wylde, A.M., gentlemen possessing every qualification to give instruction in higher branches, but whose time, from the comparatively low estimate at which the standard of a liberal education has at present been holden by Colonial parents, is consumed in a course of elementary instruction.

“In the Australian College there may be found about 30 or 40 students who would prosecute studies superior to those of a common education; but this number is obviously too small to provide funds without other assistance than fees received from the pupils for the maintenance of teachers devoting their time to the higher branches.

“Having visited the Australian College at the commencement of the years 1838 and 1839, the writer of these observations was highly impressed in favour of the course of instruction pursued at it, so far as it had proceeded; questions were proposed on all the subjects of instruction, and answered with a quickness which proved both the knowledge and care of the teachers, and the aptness of the scholars. Quickness and sprightliness were indeed the general characteristics of the latter; but some evinced also a depth of reflection evidently proceeding from solid genius.

“According to one of the fundamental articles of the institution, the business of each day is commenced and closed with prayer. The Holy Scriptures are read regularly in the English classes, and instruction in the ‘general principles and duties of the Christian religion’ is afforded every Saturday, at the close of the ordinary business of the week; but it is a part of the same article, ‘that no attempt be made, either directly or indirectly, to proselytise to the tenets of any particular denomination of Christians; and that those pupils or students whose parents or guardians may object to their receiving religious instruction at all, be allowed at such stated times to withdraw.’ (The State of Religion and Education in New South Wales: By William Westbrooke Burton, Esq., one of the Judges of the Supreme Court of that Colony, pp. 139—142.)”

A similar testimony to that of Sir William Burton, in regard to the character and efficiency of the Australian College as an educational institution, is given at a somewhat earlier period of its history, by James Macarthur, Esq., to the following effect:—*Vide New South Wales: Its present state and future prospects: By James Macarthur, Esq. London: 1836.*

“This College was founded chiefly by means of the personal exertion of Dr. Lang, to whom the greatest credit is due for his indefatigable labors on behalf of religious and educational institutions in New South Wales.”

It will be borne in mind that, during the ten years in which the Australian College maintained the high character assigned to it by Sir William Burton, the cost of education in that institution, under three University-bred masters, conducting the different departments of education simultaneously, in their

* Lang's Historical Account of New South Wales, 1837.

their respective class-rooms, did not exceed £12 per annum. During the whole of this period no assistance whatever was granted by the State for superior education; and its promoters had consequently to struggle under enormous difficulties, which at length unfortunately issued in a general collapse.

In the year 1833, a respectful memorial, of which the following are extracts, was presented to the Legislature on behalf of the Australian College; and the contemptuous rejection which that memorial met with sufficiently illustrates the character of the Government of the day, which was in every respect worthy of the ancient Goths and Vandals:—

VOTES AND PROCEEDINGS.

" Sydney, 26 June, 1835.

" To His Excellency Major General Sir Richard Bourke, K.C.B., and the Honourable the Legislative Council of New South Wales, the Memorial of the undersigned members of the Council of the Australian College,

" HUMBLY SHEWETH:—

" That the Australian College was established for the education of youth in the elementary as well as the higher branches of useful knowledge, in the year 1831.

" That the plan of the Institution, which was approved of by His Majesty's Government previous to its being carried into effect, was, that it should comprise four head masters or professors for the higher branches of education, with such assistant masters as might, from time to time, be required for the elementary branches.

" That whereas the cost of a common grammar school education in the town of Sydney, with only one master for all the branches taught, was not less than twenty pounds per annum within the last ten years, it has been reduced, chiefly through the establishment of the Australian College, which is intended ultimately to provide for four professors or head masters, with suitable assistants, for the different branches of education to be taught in the institution, to twelve pounds per annum.

" That a still further reduction could be effected in the cost of education to the community, were a salary of one hundred pounds per annum allowed by the Government to each of the two professors or head masters conducting the business of education in the Australian College; and that such a reduction would prove a great blessing to many reputable families of limited means in the Colony, while it would enable deserving families in the lower walks of life to afford their sons a liberal education, which the present rate of cost precludes them from doing.

" That the principle of granting salaries to the head masters of such an institution as the Australian College, has already been sanctioned and acted on by His Majesty's Government; the Right Honourable the Secretary of State for the Colonies having ordered a salary of one hundred and fifty pounds per annum to be paid to the head master of the King's School at Sydney, in the year 1831.

" Your memorialists beg, therefore, most respectfully to solicit that a salary of £100 per annum may be granted, on the part of Government, to each of the two professors or head masters at present conducting the business of education in that institution. And your memorialists, as in duty bound, will ever pray, &c.

" [Here follow the signatures.] "

One would scarcely have supposed that, under the paternal government of Sir Richard Bourke, such a memorial as this would have been met with a denial. But His Excellency, although a highly enlightened and eminently liberal man in other respects, was unfortunately wrong-headed in regard to superior education, which, he maintained, most erroneously, ought to pay for itself. His successor, Sir George Gipps, was unfortunately equally devoid of all generous sympathy in the matter of superior or academical education; and accordingly, when a similar application was made to the Legislature of 1841, it was met with a Government prosecution for the foreclosure of the paltry mortgage of 1832, at the instance of Mr. E. D. Thomson and his Select Committee.

In short, for twenty years from the establishment of the Australian College in December, 1831, the cause of superior education in New South Wales had in great measure to be maintained and promoted at the cost of great and serious sacrifices on the part of private individuals, and in the face of every obstructive influence on the part of men in authority who had no sympathies with the object. It seems to have passed, at a later period, into the hands of men as wasteful and extravagant on the one hand as their predecessors had been niggardly and penurious on the other. Any candid person who reads Sir William Burton's Report on the Australian College in the years 1838 and 1839, will be constrained to acknowledge that, while the number of pupils then attending the classes of that institution was much the same as that of those now attending the Sydney Grammar School, the education afforded for the more advanced pupils in the former of these institutions was, for all practical purposes, quite as good as that provided in the latter. And yet, while the ground and buildings of the Sydney Grammar School have cost the public upwards of £29,000, in addition to which the large amount of £1,500 a year is granted for salaries for the masters, the public are nevertheless charged £18 a year for each pupil! No wonder that so promising an institution as the Australian College unquestionably was, when reported on by Sir William Burton, should have collapsed, as it did eventually, under such unworthy treatment on the part of the Government of the day.

This refusal of the Government to grant any assistance, in the form of salaries, to the Australian College, was necessarily very disheartening to University-bred men, as all the three masters were; and in a period of enormous speculation that ensued, during my own absence in England and America, in the years 1839 and 1840, it produced the pernicious fruits which it was calculated to bear. For, despairing at length of that very moderate amount of support which they had a right to expect from the Government, as instructors of youth in the higher branches of education, the gentlemen connected with that institution were tempted, as a means of bettering their fortunes, to embark in the attractive speculations of the day, in land and stock; one of them having acquired an estate in New Zealand, when that peculiar form of investment happened to be fashionable in Sydney, and the other two having sheep and cattle at the same time both in the Namoi District, in the extreme north, and on the Murray River, in the extreme south of the Colony. Bullock-drays, with supplies for these remote stations, had, of course, to be provided and looked after; and instead of "teaching the young idea how to shoot," the first problem in the would-be squatters' Euclid was how to get the greasy wool from the interior properly cleaned and shipped to London.

The natural result of this state of things was gradually to withdraw the attention and energies of the masters from their educational duties, which were accordingly so much neglected that the institution fell rapidly into abeyance; and I found it, to my extreme regret and mortification, on my return to the Colony in the month of March, 1841, going down hill with a rapidly accelerating pace.

It was some time, however, before the real cause of failure was openly admitted; and the blame, as usually happens in such cases, was imputed where it was, perhaps, least merited. The Rev. Thomas Aitken, A.M., being represented by the other two gentlemen as the principal cause of the decline and fall of the institution, and some of its remaining friends concurring in this idea, Mr. Aitken was induced to relinquish all connection with it on my paying him £200 (the stipulated amount agreed to with the concurrence of all concerned), which I did accordingly. This, however, did not at all mend the matter—the institution continued to go down hopelessly under the two remaining masters, both of whom ultimately resigned their offices and vacated the two lower buildings, which they had previously occupied, on being paid £100 each, in the year 1842.

I had, in the meantime, made a fresh and not unsuccessful effort for the revival of the institution by undertaking a voyage to Port Phillip and Van Diemen's Land, shortly after my return to the Colony, from England, in 1841, to enlist the support of the Presbyterians of these Colonies in favour of its higher objects; but the crushing effect of a Government prosecution, which was then brought to bear against it, or rather against myself as the principal promoter of the undertaking, served to hasten the departure of these gentlemen and to break it up for the time.

It was in these circumstances (when the two lower buildings, which had been declared by competent authority to be my personal property, had ceased to be occupied for the institution, as they had then been for the previous ten years, without my receiving a farthing of interest for the large amount I had expended in their erection), that the hall or lecture-room mentioned above, was erected on the north side of Jamison-street. In that hall the classes of the institution continued to be conducted, although on a considerably reduced scale, by one head master and an assistant, with occasional short courses of lectures, some of which I delivered myself, till the end of June, 1854; when the passing of the Affiliated Colleges Act having opened up a much more favourable prospect for academical education than had previously been known in the Colony, it was finally closed. Another effort indeed had been made in the years 1850 and 1851, to re-establish the institution on its original basis; for as I had then brought out with me from England a number of promising young men as candidates for the Christian Ministry, to whom I gave their board and education, free of expense, three gentlemen of superior standing and abilities in their respective departments, were engaged for their instruction, viz., the Rev. Matthias Gooché, now Pastor of the German Lutheran Church, Melbourne; the Rev. William Ridley, B.A., and the Rev. Barzillai Quaife, V.D.M. But this effort proved only of a temporary character; and when the vexatious prosecution, affecting the property of the Scots Church, which has recently been terminated in my favour by the decision of the Privy Council, was commenced shortly thereafter, it was deemed expedient and necessary to await the issue of that prosecution before any further effort should be made in the cause of education, in connection with the defunct institution. But as all the recently existing difficulties in the case have now been surmounted, it is proposed to revive and re-establish the institution forthwith, as an academy for the board and education of promising youth of the Presbyterian communion from all parts of the Colony, with a view particularly to the preparatory training of students for the Presbyterian College and the University of Sydney. Such a preparatory school or academy will be indispensably necessary for the proper working of these higher institutions, as far as Presbyterian students are concerned; and the commodious hall or lecture room, erected for the Australian College twenty years ago, will be immediately available for the purpose.

The expenditure incurred in connection with the Australian College may be arranged under two distinct heads—1st, Buildings, and 2ndly, Educational Machinery.

I. BUILDINGS.—The four buildings in Jamison-street were erected by piecemeal, and were not completed till twenty-five years after their commencement; but long before their completion, Messrs. Brodie and Craig and Mr. Duncan Campbell, builders, who had all been employed in their erection, gave it as their opinion, before the Committee of Inquiry on the subject, consisting of the late David Ramsay and Thomas Cadell, Esquires, and T. Brown and George Bowman, Esquires, in 1841, that such buildings could not be erected for less than £3,000 each, or £12,000 altogether. And Mr. George Brown, builder, who has been employed from time to time in the repairs of these buildings for more than ten years past, coincides with them entirely in this estimate of their actual cost. The account for buildings will therefore stand as follows:—

<i>Buildings.</i>	£	s.	d.
Four houses in Jamison-street, at £3,000 each	12,000	0	0
Cost of ground purchased from Sir John Jamison, and paid by me, in 1841	497	0	0
Lecture-room or hall, erected for the classes of the institution in 1841, as valued by Mr. Brown, exclusive of the portion of the ground purchased from Sir John, on which it is erected .. .	800	0	0
Repairs of the same in 1850, it having been attacked and rendered unavailable for the purposes of education, by dry rot .. .	75	0	0
Cost of excavation for the main building in the line of Church Hill, projected in 1831, now directly available for the purposes of the institution as a preparatory academy, ascertained by the Committee of 1836	115	2	0
Mr. Norton's account for preparing the bill to authorize the mortgage in 1832, including the Attorney General's fee for its revision .. .	12	12	0
	<hr/>		
	£13,499	14	0

II. EDUCATIONAL MACHINERY.—In the year 1830, I made a voyage to England for the establishment of the Australian College, surrendering my half salary, to the extent of £175, for the purpose, and paying my passage home and out, which together cost £180, independently of my expenses in England; and in 1833, when the Institution would otherwise have become defunct, from the death of one, the translation of another, and the retirement of the third of the original three masters, at the close of the third year of their engagement, I went to England again, making similar sacrifices, and incurring a similar expenditure, and bringing out with me the three able and zealous men who were conducting the classes of the institution when they were visited and examined by Sir William Burton in 1838 and 1839. These items of expenditure I never charged against the institution, after it had got into pecuniary difficulties in the way I have described, although I never renounced my right to do so at the proper time; but I see no reason why I should not do so now, when the accounts of the institution are winding up definitively, and a new phase of its existence developing, especially as I have been accused of appropriating to my own private purposes the funds of the Government and the public. I was also induced, at the instance of the Rev. H. Carmichael, one of the three original masters, to purchase a pretty large collection of books, in London and Edinburgh, for a library for the College. These were never charged to the institution; and they had, ultimately, to be sold by auction, at a ruinous loss to myself, when, under the accumulating difficulties of the undertaking, I sold upwards of two thousand volumes of the noble library I had myself at the time, in the year 1846, previous to my going to England, for the sixth time, on the 1st of July of that year.

Educational Machinery.

Expenditure incurred for the establishment of the institution, independently of buildings, as ascertained by a committee consisting of Thomas Barker, Esq., Thomas Walker, Esq., and the late John Wallace, Esq., in the year 1836, viz.:—(the first and second of the following items.)

	£	s.	d.
Amount of salaries paid in the year 1832	369	4	8
For passage money for masters brought out in 1831 and 1834, cost of philosophical apparatus, including house rent for eighteen months, &c.	836	11	4
Rev. Mr. Aitken's passage out in 1836.	60	0	0
Payment to Mr. Aitken previous to his leaving the institution in 1841, as agreed to as a measure of expediency by all connected with its management at the time	200	0	0
			Payment

Payment to Rev. R. Wylde, A.M., in 1842	100	0	0
Ditto to Rev. D. Mackenzie, A.M., in 1842	100	0	0
Salaries in 1850 and 1851 to Rev. Matthias Goethé, Rev. W. Ridley, B.A., and Rev. B. Quaife, V.D.M.	300	0	0
Towards the cost of my own two voyages to England on behalf of the institution, losing my half salary on both occasions, in addition to the cost of passages home and out, and expenses in England ..	500	0	0
	<hr/>		
	£2,465	16	0

The whole amount contributed by the public, up to the 29th June, 1836, did not exceed £1,300, and the whole of that amount had then been absorbed in the establishment and maintenance of the educational machinery of the institution, independently altogether of the buildings in Jamison-street. In 1841, the amount contributed by the public had amounted to £1,850, (including the sum of £400 from George Bowman, Esq., of Richmond, of which, as it was the only large subscription, I pledged myself a good many years ago to repay Mr. Bowman the sum of £300 on the final settlement of the case.) With this deduction, it will be seen how far short the contributions of the public came, in providing even for the educational machinery of the institution, independently altogether of the buildings. The idea, therefore, that these buildings were erected from funds contributed by the public, is ridiculously absurd. The money of the public had all been spent in another way, and for a different purpose; and when it is considered that the institution had during the first ten years of its existence supplied such an education as Sir William Burton describes, to upwards of five hundred of the youth of the Colony, at so low a rate comparatively as £12 per annum each, it will surely not be supposed that this expenditure had been incurred in vain. Two hundred of the youth of the Colony had also received a good classical, mathematical, and commercial education in the institution, at the same moderate cost, from July 1st, 1842, till the 30th June, 1854, when it was finally closed.

Neither is it the fact that the College Buildings in Jamison-street were erected in great measure, as is frequently and persistently alleged, with Government funds. The first portion of the Government contribution towards the undertaking generally, viz., £1,500, was paid, according to previous agreement with Lord Goderich, for the charter of the "Stirling Castle," or rather for the passage out of the Scotch mechanics whom I brought out with me by that vessel for the erection of the requisite buildings. No part of this amount was ever expended on these buildings. It is true the mechanics were under engagement to repay the cost of their passage out by weekly instalments from their wages, which some of them did conscientiously; but the pecuniary difficulties of the undertaking precluded the fulfilment of the engagement in the greater number of instances, and I had simply to bear the loss. That loss was indeed a very serious one, from the ruinous sacrifices of my own personal property which I was virtually obliged to make to supply the requisite funds for keeping the mechanics at work.

The Scotch mechanics per the "Stirling Castle" were the first large body of free immigrants of the industrious classes ever brought out to New South Wales; and it was of transcendent importance to the Colony at the time that the engagement I had made with them should be fulfilled. It was so fulfilled, as they all acknowledged, although at enormous personal sacrifices to myself; and through its fulfilment the character of the Colony, as a field for the emigration of reputable and industrious persons from the Mother Country, stood so high thereafter in the estimation of persons of these classes at Home, that when the Colonial Government afterwards required to import whole shiploads of superior mechanics from the Mother Country to carry on the public and private works of the Colony, they found no difficulty in obtaining them. To these subsequent importations the Government uniformly gave a free passage out. And yet I am to be prosecuted, or rather persecuted, by due process of law, for the recovery of the £1,500 paid for the hire of the vessel that brought out the first detachment of these mechanics—the one that formed the model or pattern for all that followed, and the introduction of which, in the circumstances I have mentioned, was of infinitely greater importance to the Colony than that of any of the subsequent importations.

The College Buildings in Jamison-street, erected by the Scotch mechanics of 1831, were the first buildings of a superior style of architecture, that had ever been erected in the Colony. Previous to that period, the town of Sydney consisted almost exclusively of the paltriest erections of brick or weather-boards; but a great change was then effected in the general architecture of the Colony, inasmuch that the City is now filled with superior edifices of polished stone, and can vie in its architecture with that of many of the Cities of the old World. The Emperor Augustus, when dying, said of Rome, *Lateritiam inveni, marmoream relinquo*. "I found it a wilderness of bricks; I have transformed it into a city of marble." The change in the architectural character and aspect of the City of Sydney, which unquestionably originated in my importation of the Scotch mechanics of 1831, has been almost equally remarkable.

As soon as the two lower buildings, which had been erected exclusively with my funds, had been declared by competent authority to be my private property, I mortgaged them to the Loan Company for £1,500, and erected the hall or lecture-room above-mentioned, in which the classes of the institution were thenceforth conducted till it became extinct in 1854. Another £1,000 of the funds available for the undertaking generally was therefore expended as follows:—

	£	s.	d.
Cost of hall or lecture-room, erected in 1841, as estimated by Mr. George Brown	800	0	0
Repairs of ditto, in 1850	75	0	0
Cost of excavation for main building in 1831, now directly available for the institution	115	0	0
Mr. Norton's account for preparing bill to authorize the mortgage, in 1832	12	12	0
	<hr/>		
	£1,002	12	0

This item of expenditure, therefore, was altogether independent of the cost of the four buildings in Jamison-street. And it surely ought not to be forgotten that I was subjected to law expenses of not less than £400 in the years 1841-1846, in defending myself and the other parties concerned, in the unwarrantable action instituted by the Government of the day for the foreclosure of the mortgage—an action which was based on a charge against myself, which I have shown to have been altogether unfounded.

In the year 1834, when the institution had become defunct for the time, I increased the mortgage on the two lower buildings to £4,500, to enable me to complete the other two, which till then had been mere skeletons. Instead, therefore, of having appropriated to my own private benefit the funds of the Government and the public, as is sometimes alleged by anonymous and ill-informed, but evil disposed correspondents of the public press of the Colony, the simple facts of the case are:—

- 1st. That the two lower buildings were erected exclusively with my funds.
- 2nd. That during the ten years in which they were occupied by and for the institution, I never received a farthing of interest for the large amount I had expended in their erection: and
- 3rd. That the two remaining buildings were completed from the proceeds of the mortgage I had given on the other two, when declared to be my personal property. I owe no apology, therefore, in any quarter, for the use I have made of these two other buildings since the year 1854. In making such use of them as I have done, I have only been exercising the right of every Englishman to do what he thinks proper with his own.

I am quite willing to admit that, although there were other depressing influences in operation, as I have stated above, shortly after the commencement of the Australian College, the principal cause of failure, in so far as failure must be acknowledged, was the folly, the recklessness, and the extravagance of the Scotch architect, Mr. George Ferguson. But this was surely not my fault, although my great misfortune. In the circumstances in which I was placed, on my arrival in the Colony from England in October, 1831, with a numerous body of Scotch mechanics, to whom I was under engagement to supply them with employment at the regular wages of the Colony, for twelve months after their arrival, it was indispensably necessary for me to place entire confidence in the ability and integrity of the Scotch architect whom I had brought out with me from Scotland, and who had been recommended to me in the strongest manner at Home, as a fit and proper person to undertake the superintendence of the mechanics, and the planning and erection of the requisite buildings. But surely this is not the first time that the estimated cost of an architect's plan has been quadrupled in its execution. The gentlemen who accepted office in connection with the institution on the 23rd December, 1831, did so on the express understanding and condition that they were to carry out the arrangements I had made with Earl Goderich on the one hand, and with the Scotch mechanics on the other. But when these gentlemen found that, instead of £3,500, which it was expected the public would contribute towards the undertaking, within eighteen months or thereby, nothing more than £1,300 (an amount entirely absorbed in the establishment and maintenance of the educational machinery of the institution) had been contributed by the public during the first four years of its existence, it was out of the question for me to allow them, as they proposed, to break up the whole undertaking, and to pronounce it an entire failure, by discontinuing the erection of the buildings and dispersing the mechanics. I had pledged myself, on the part of the trustees of the Scots Church, to convey to these gentlemen, on our obtaining an Act of the Legislature for the purpose, the ground purchased from Sir John Jamison, and the vacant portion of the allotment of the Scots Church between Jamison-street and Church Hill. But this pledge was given on the understanding and condition that £3,500 should be contributed by the public for the carrying out of the undertaking, and not merely the paltry amount of £1,300. When the public failed so egregiously on that occasion, I had no other course to pursue than to undertake the serious responsibility myself. What that implied I have shown sufficiently already. It cost me the sacrifice of personal property that would now be worth at least £50,000.

In regard to the alleged failure of the institution as an educational establishment, it had surely not failed in that respect, when it was examined and reported on by Sir William Burton, in 1833 and 1839. And had the Governments of Sir Richard Bourke in 1835, and of Sir George Gipps in 1841, granted the small amount of support from the public treasury that was then solicited for the institution, it would in all likelihood have continued to maintain the high character it had attained in the estimation of the learned judge, and proved a benefit and a blessing of incalculable value to the Colony. But these high functionaries, however eminent in other respects, were altogether wrong-headed on the subject of superior education, and its claims to support from the State. They were mere Goths and Vandals in this respect; and the consequent failure, not only of the Australian College, but of the Sydney College also, was their act and deed.

The very different treatment which the parties connected with these two defunct educational institutions have experienced from the Government—taking into consideration the services they had respectively rendered to the State—is very remarkable. The Sydney College commenced the business of education on January 1st, 1835. It never brought out a single master from England, but engaged such only as were to be found from time to time in the Colony. The only building ever erected for it was a hall of no very superior character in point of architecture; and when it became defunct, it was allowed to dispose of a valuable allotment of ground consisting of two acres and upwards in one of the best sites in the city, which should otherwise have reverted to the Crown, and which was worth from £6,000 to £7,000, and to employ the proceeds in reimbursing all concerned every sixpence they had ever expended in connection with the defunct institution. I have no wish to complain of this treatment as being unnecessarily liberal. I only desire to contrast it with the very different measure meted out to myself as the principal promoter of the Australian College.

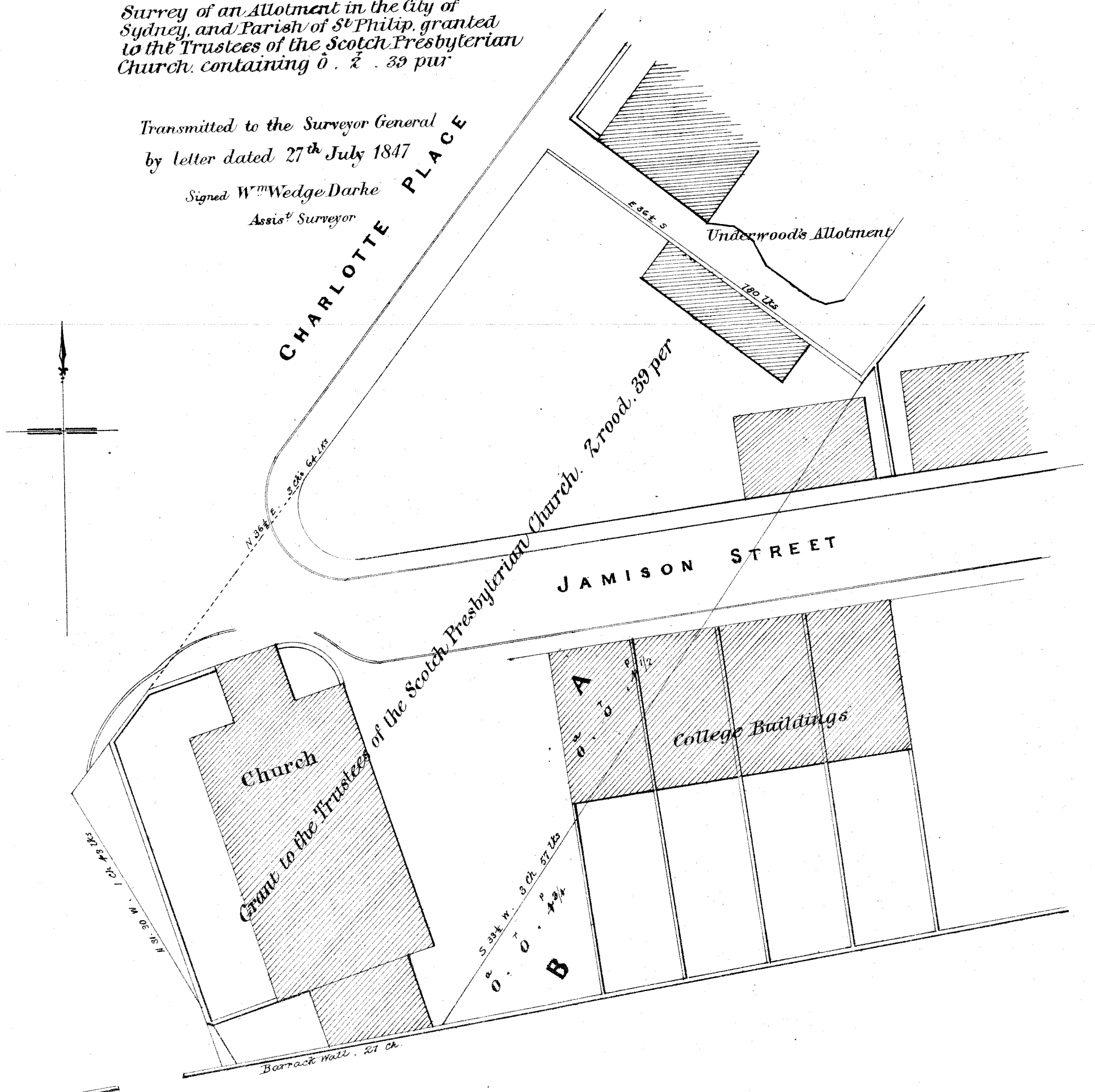
The Australian College commenced the business of education in November, 1831; reducing its cost from the first, under three masters, all University-bred men, to £12 per annum. It imported, in addition to an extensive and valuable philosophical apparatus, the three following masters in 1831, viz., Rev. Henry Carmichael, A.M., and his sister as his housekeeper; the Rev. John Anderson, and his sister also; and the Rev. William Pinkerton and his wife. And in 1834-5 it imported other three, viz., the Rev. Robert Wyldo, A.M.; the Rev. David Mackenzie, A.M.; and the Rev. Thomas Aitken, A.M.—all University-bred men. The education afforded by these gentlemen has been described sufficiently by Sir William Burton, and the benefits that were thus imparted to the Colonial public were of the greatest value and importance at the time to the Colony generally.

Taking into consideration, therefore, the services rendered to the cause of education in this Colony generally, through the Australian College, and the benefits conferred upon the Government and the public of New South Wales in the importation of the Scotch mechanics of 1831, it is surely a very small matter, in comparison with the handsome bonus bestowed by the Government and the public upon the Sydney College, to ask that the mortgage on the Scots Church allotment, to secure the repayment of the sum of £3,500, advanced for the purposes above mentioned, should forthwith be cancelled. Although not exactly in the way contemplated, the Government and the public have received very greatly more than an ample equivalent for that advance; and I conceive it would be nothing short of an outrage upon the common sense of the Colony ever to urge the claim again. I am strongly of opinion that I have laid both the Government and the public of New South Wales under the highest obligations to myself personally, through the importation of the Scotch mechanics of 1831, on the one hand, and the benefits accruing to education, through my humble efforts in the cause, as set forth in this Statement, on the other. But I make no claim of the kind. I only wish this paltry affair of the mortgage to be set for ever at rest by its being cancelled forthwith.

*Survey of an Allotment in the City of
Sydney, and Parish of St Philip, granted
to the Trustees of the Scotch Presbyterian
Church, containing 0. 2. 39 per*

*Transmitted to the Surveyor General
by letter dated 27th July 1847*

*Signed W^m Wedge Darke
Assis^t Surveyor*



Scale. 2 inches to a Chain

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CROWN LANDS.

(STATISTICS RESPECTING.)

Ordered by the Legislative Assembly to be Printed, 12 November, 1862.

RETURN (in part) to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 9 September, 1862, That there be laid upon the Table of this House,—

“(1.) A Return of all Crown Lands, exclusive of town allotments, put up for sale by auction in quantities not exceeding 320 acres, from the 1st day of January, 1860, to the 31st day of December, 1861, inclusive, showing the dates and places at which the several auctions were held, the districts in which the said lands were situated, the upset price of the lots sold, and the prices realized in each case, together with the names of the purchasers; also, the upset price of the lots not bid for or otherwise withdrawn from sale, or upon which the purchase money was not made good, or the deposit forfeited, together with the names of the bidders, if any, in each instance, and distinguishing, in all cases, country lands from suburban.

“(2.) A Return of all Crown Lands measured under the authority of the Government, in quantities not exceeding 320 acres, from the 1st day of January, 1862, to the 30th day of June last, with the view of being set up for sale by auction, specifying the districts in which the lands so measured are situated, the number of acres, and the upset price of each lot, with the names of the parties on whose applications the said lands were put up for sale by auction, and distinguishing, in like manner, country lands from suburban.

“(3.) A Return of all Crown Lands measured during the same period, namely from the 1st day of January, 1862, to the 30th of June last inclusive, by Government, or licensed surveyors, on the application of, or on behalf of, Conditional Purchasers, or which is intended to be left open to conditional purchase under the 13th clause of the Crown Lands Alienation Act, and of which Returns may have reached the Surveyor General's Office up to the date of compiling this Return.”

(Mr. Harper.)

CROWN LANDS.

A RETURN of all Crown Lands, exclusive of Town Allotments, put up for sale by auction, in quantities not exceeding 320 acres, from the 1st day of January, 1860, to the 31st day of December, 1861, inclusive, showing the dates and places at which the several auctions were held, the Districts in which the said lands were situated, the upset price of the lots sold, and the prices realized in each case, together with the names of the purchasers; also, the upset price of the lots not bid for or otherwise withdrawn from sale, or upon which the purchase money was not made good, or the deposit forfeited; together with the names of the bidders (if any) in each instance, and distinguishing, in all cases, Country lands from Suburban.

[NOTE.—In all cases in which the columns are open, no sale was effected.]

Date and Place at which the Auction was held.		District in which the Lands were situated.	Upset price per acre of Land sold.	Prices per acre realized in each case.	Names of Purchasers.	Upset price per acre of lots not bid for or withdrawn from sale, or for which the purchase money was not made good, or the deposit forfeited.	Names of Bidders.	Description of Land.		Amount realized.	Deposit forfeited.
Date.	Place.							Country.	Suburban.		
1860.			£ s.	£ s. d.		£ s. d.	a. r. p.	a. r. p.	£ s. d.	£ s. d.	
Jan. 3	Condoblin..	Molong ...	1 0	1 0 0	Thomas Stone ..	.....	27 1 0	.....	27 5 0	.....
	Do ..	Do ..	.....	.....	.....	.....	5 0 0	.....	.....	1 10 0
	Do ..	Do ..	1 0	1 10 0	Bryan Macnamara ..	.....	10 2 0	.....	15 5 0	.....
Jan. 4	Maitland ..	Maitland ..	.....	.....	.....	.....	53 1 0	.....	.....	5 6 6
	Do ..	Do ..	.....	.....	.....	.....	53 1 0	.....	.....	5 6 6
	Do ..	Do ..	1 0	1 0 0	Thomas Ahern ..	.....	65 1 0	.....	65 5 0	.....
	Do ..	Do ..	1 10	1 18 0	James Ferguson ..	.....	9 0 30	.....	17 10 0	.....
	Do ..	Do ..	1 10	1 10 0	Do ..	.....	9 2 0	.....	14 5 0	.....
	Do ..	Do ..	1 10	2 0 0	George Hall ..	.....	9 2 0	.....	19 0 0	.....
	Do ..	Do ..	1 10	6 12 0	John Hickey ..	.....	9 2 0	.....	62 14 0	.....
	Do ..	Do ..	1 10	7 10 0	Do ..	.....	9 2 0	.....	71 5 0	.....
	Do ..	Do ..	1 10	1 13 0	George Hall ..	.....	11 2 6	.....	19 1 0	.....
	Do ..	Do ..	1 5	1 6 0	William Vile ..	.....	16 3 0	.....	21 15 6	.....
	Do ..	Do ..	1 5	3 2 0	George Burgess ..	.....	23 2 6	.....	73 12 0	.....
	Do ..	Do ..	1 5	3 9 0	Michael Drinan ..	.....	16 0 24	.....	65 15 0	.....
	Do ..	Do ..	1 10	7 11 0	John Murphy ..	.....	10 3 0	.....	31 3 3	.....
	Do ..	Do ..	1 10	12 1 0	Do ..	.....	8 2 35	.....	105 1 3	.....
	Do ..	Do ..	1 10	9 2 0	Do ..	.....	6 2 10	.....	59 15 6	.....
	Do ..	Do ..	1 5	4 15 0	William Vile ..	.....	25 1 0	.....	119 18 9	.....
	Do ..	Do ..	1 10	8 0 0	Thomas Drinan ..	.....	8 2 8	.....	68 8 0	.....
	Do ..	Do ..	1 10	9 12 0	John Murphy ..	.....	8 3 0	.....	84 0 0	.....
	Do ..	Do ..	1 10	9 10 0	Do ..	.....	10 2 20	.....	101 0 0	.....
	Do ..	Do ..	1 10	10 0 0	Thomas Drinan ..	.....	8 0 0	.....	80 0 0	.....
	Do ..	Do ..	1 10	8 10 0	Robert Vivers ..	.....	10 0 0	.....	85 0 0	.....
	Do ..	Do ..	3 0	3 0 0	John Hickey ..	.....	.....	2 2 30	8 1 3	.....
	Do ..	Do ..	3 0	3 0 0	Do ..	.....	.....	2 2 30	8 1 3	.....
	Do ..	Do ..	3 0	3 0 0	Do ..	.....	.....	2 2 30	8 1 3	.....
	Do ..	Do ..	3 0	3 0 0	Do ..	.....	.....	2 2 30	8 1 3	.....
	Do ..	Do ..	3 0	3 0 0	Do ..	.....	.....	2 2 30	8 1 3	.....
Jan. 6	Tenterfield	Tenterfield	1 0	1 0 0	Arthur Francis Wood ..	.....	84 0 0	.....	84 0 0	.....
	Do ..	Do ..	1 0	1 0 0	Do ..	.....	81 0 0	.....	81 0 0	.....
	Do ..	Do ..	1 0	1 0 0	William Ralph ..	.....	43 1 0	.....	43 5 0	.....
	Do ..	Do ..	1 0	1 0 0	James Hammersley ..	.....	40 0 0	.....	40 0 0	.....
	Do ..	Do ..	1 0	1 6 0	William Witton Harral ..	.....	34 0 0	.....	44 4 0	.....
	Do ..	Do ..	.....	.....	.....	.....	20 3 0	.....	.....	2 1 6
	Do ..	Do ..	.....	.....	.....	.....	42 1 0	.....	.....	4 4 6
	Windeyer ..	Mudgee ...	3 0	3 0 0	Charles Whitfield ..	.....	.....	3 0 0	9 0 0	.....
	Do ..	Do ..	3 0	3 0 0	Do ..	.....	.....	4 0 0	12 0 0	.....
	Do ..	Do ..	3 0	5 0 0	Stephen Tucker ..	.....	.....	4 0 0	20 0 0	2 10 0
	Do ..	Do ..	3 0	6 15 0	John M'Hogue ..	.....	.....	4 0 0	27 0 0	.....
	Do ..	Do ..	2 10	2 10 0	Stephen Tucker ..	.....	.....	5 2 16	14 0 0	.....
	Do ..	Do ..	2 10	3 0 0	Do ..	.....	.....	5 0 0	15 0 0	.....
	Do ..	Do ..	2 10	5 12 6	John Healy ..	.....	.....	5 0 0	25 12 6	.....
	Do ..	Do ..	2 10	6 0 0	Do ..	.....	.....	5 0 0	30 0 0	.....
	Do ..	Do ..	3 0	5 0 0	Charles Whitfield ..	.....	.....	4 0 0	20 0 0	.....
	Do ..	Do ..	2 10	4 10 0	Callaghan M'Carthy ..	.....	.....	5 0 0	22 10 0	.....
	Do ..	Do ..	2 10	2 10 0	Do ..	.....	.....	5 0 0	12 10 0	.....
	Do ..	Do ..	4 0	4 0 0	John Smith ..	.....	.....	1 3 35	7 17 6	.....
	Do ..	Do ..	.....	.....	.....	.....	.....	1 1 29	.....	0 11 6
	Do ..	Do ..	4 0	4 0 0	William Klein ..	.....	.....	1 0 0	4 0 0	0 9 0
Jan. 7	Tenterfield	Tenterfield	4 0	11 0 0	William Gordon ..	.....	.....	1 0 9	11 12 5	.....
	Do ..	Do ..	4 0	16 10 0	Do ..	.....	.....	1 0 9	17 8 7	.....
	Do ..	Do ..	4 0	11 10 0	Anthony Stamm ..	.....	15 0 0	1 0 9	13 3 0	1 11 9
	Do ..	Do ..	4 0	20 10 0	Peter Rigamorit ..	.....	.....	1 0 9	21 13 1	.....
	Do ..	Do ..	3 0	4 5 0	George Palmer ..	.....	5 10 0	2 3 0	.....	1 10 3
	Do ..	Do ..	3 0	10 0 0	Edward Higgins ..	.....	.....	2 0 19	9 0 4	.....
	Do ..	Do ..	3 0	6 7 0	Ellen Milling ..	.....	.....	2 0 19	21 3 9	.....
	Do ..	Do ..	1 0	.....	.....	.....	.....	2 0 19	13 9 6	.....
	Do ..	Do	2 0 19	1 5 6	
Jan. 10	Mudgee ..	Mudgee ..	1 0	1 0 0	Richard Reeves	2 0 19	1 14 0	

CROWN LANDS.

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Date.	Place.							Country.	Suburban.		
1860.											
Jan. 10	Mudgee	Mudgee	£ s. d.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
	Do	Do	1 0	1 0 0	Edward Cover	.....		29 0 0	.....	29 0 0	.....
	Do	Do	1 0	1 0 0	Do	.....		21 1 0	.....	21 5 0	.....
	Do	Do	1 0	1 0 0	Do	.....		33 0 0	.....	33 0 0	.....
	Do	Do	1 0	1 0 0	Mary Ann Reeves	.....		41 0 0	.....	41 0 0	.....
	Do	Do	1 0	1 0 0	Edward Cover	.....		31 0 0	.....	31 0 0	.....
	Do	Do	1 0	1 0 0	Do	.....		30 0 0	.....	30 0 0	.....
	Do	Do	1 0	1 0 0	James Reeves	4 2 6	J. H. James	30 0 0	.....	30 0 0	12 7 6
	Do	Do	1 0	1 0 0	Do	.....		30 0 0	.....	30 0 0	.....
	Do	Do	1 0	1 0 0	George Reeves	.....		30 0 0	.....	30 0 0	.....
	Do	Do	4 0	4 0 0	Mary Ann Hardy	4 0 0		.....	1 0 6	.....	.....
	Do	Do	4 0	4 6 8	George Mundell	.....		.....	1 1 37	5 18 6	.....
	Do	Do	4 0	4 0 0	Mary Ann Hardy	.....		.....	0 3 37	4 5 0	.....
	Do	Do	4 0	4 0 0	Do	.....		.....	1 2 0	6 0 0	.....
	Do	Do	4 0	4 0 0	John Carr	.....		.....	1 2 28	6 14 0	.....
	Do	Do	4 0	11 2 6	William Robert Carr	.....		.....	0 3 7	3 3 6	.....
Jan. 11	Ulladulla	Sboalhaven									
	Do	Do				1 0 0		59 0 0			
	Do	Do				1 0 0		32 3 0			
	Do	Do				1 0 0		32 3 0			
	Do	Do				1 0 0		38 0 0			
	Do	Do				1 0 0		1 0 0			
	Do	Do				1 0 0		32 3 0			
	Do	Do				1 0 0		32 3 0			
	Do	Do				1 0 0		72 0 0			
	Do	Do				1 0 0		32 3 0			
	Do	Do				1 0 0		32 3 0			
	Do	Do				1 0 0		26 0 4			
	Do	Do				1 0 0		23 3 17			
	Do	Do				1 0 0		40 3 0			
	Do	Do				1 0 0		40 3 0			
	Do	Do				1 0 0		71 0 0			
	Do	Do				1 0 0		103 0 0			
	Do	Do				1 0 0		81 0 0			
	Do	Do				1 0 0		40 3 0			
	Do	Do				1 0 0		40 3 0			
	Do	Do				1 0 0		32 2 0			
	Do	Do				1 0 0		26 1 0			
	Do	Do				1 0 0		97 0 0			
	Do	Do				1 0 0		40 3 0			
	Do	Do				1 0 0		40 3 0			
	Do	Do				1 0 0		40 3 0			
	Do	Do				1 0 0		40 3 0			
	Do	Do				1 0 0		58 0 0			
	Do	Do				1 0 0		48 0 0			
	Do	Do				1 0 0		52 0 0			
	Do	Do				1 0 0		54 0 0			
	Do	Do				1 0 0		98 0 0			
	Do	Do				1 0 0		80 0 0			
Jan. 17	Albury	Albury	1 0	1 0 0	Denis Patrick Keogh	.....		93 1 0	.....	93 5 0	.....
	Do	Do	1 0	1 0 0	Do	.....		89 3 0	.....	89 15 0	.....
	Do	Do	1 0	1 0 0	Do	.....		80 1 0	.....	80 5 0	.....
	Do	Do	1 0	3 6 0	Do	.....		88 2 0	.....	88 10 0	.....
	Do	Do	1 0	1 10 0	Do	.....		73 0 0	.....	240 18 0	.....
	Do	Do	1 0	1 11 0	Do	.....		69 0 0	.....	103 10 0	.....
	Do	Do	1 0	1 11 0	Do	.....		67 0 0	.....	103 17 0	.....
	Do	Do	1 0	1 12 0	Do	.....		100 1 0	.....	155 7 9	.....
	Do	Do	1 0	1 11 0	Do	.....		106 1 0	.....	170 0 0	.....
	Do	Do	1 0	1 11 0	Do	.....		80 0 0	.....	124 0 0	.....
	Do	Do	1 0	1 11 0	Do	.....		80 0 0	.....	124 0 0	.....
	Do	Do	1 0	1 0 0	Do	.....		81 0 0	.....	81 0 0	.....
	Do	Do	1 0	1 15 0	Do	.....		64 1 0	.....	112 8 9	.....
	Do	Do	1 0	2 1 0	Do	.....		65 1 0	.....	133 15 3	.....
	Do	Do	1 0	1 0 0	Do	.....		88 0 0	.....	88 0 0	.....
	Do	Do	1 0	1 10 0	Do	.....		99 1 0	.....	148 17 6	.....
	Do	Do	1 0	2 1 0	Do	.....		78 1 0	.....	160 8 3	.....
	Do	Do	1 10	3 0 0	R. Pearce & W. J. Pearce	.....		14 0 0	.....	42 0 0	.....
	Do	Do	1 10	4 0 0	Do	.....		12 0 0	.....	48 0 0	.....
	Do	Do	1 10	6 5 0	Do	.....		5 0 0	.....	26 5 0	.....
	Do	Do	1 10	15 3 0	Do	.....		15 0 0	.....	227 5 0	.....
	Do	Do	1 10	7 0 0	Do	.....		17 2 0	.....	122 10 0	.....
	Do	Do	1 10	10 10 0	Do	.....		20 0 0	.....	210 0 0	.....
	Do	Do	1 10	12 0 0	Do	.....		21 0 0	.....	252 0 0	.....
	Do	Do				2 0 0		.....	14 1 34	.....	.....
	Do	Do				2 0 0		.....	21 1 33	.....	.....
	Do	Do				2 0 0		.....	19 0 35	.....	.....
	Do	Do				2 0 0		.....	19 0 35	.....	.....
	Do	Do				2 0 0		.....	19 0 35	.....	.....
	Do	Do				2 0 0		.....	19 0 35	.....	.....
	Do	Do				2 0 0		.....	19 0 35	.....	.....
	Do	Do				2 0 0		.....	19 0 35	.....	.....
	Do	Do				2 0 0		.....	19 0 35	.....	.....
	Do	Do	3 0	3 0 0	George Podmore	.....		.....	2 1 0	6 15 0	.....
	Do	Do	3 0	4 0 0	Morris Asher	4 0 8	16 4 0
	Do	Do	3 0	4 0 0	John Horsley	2 2 0	10 0 0
	Do	Do	3 0	3 5 0	Do	2 2 0	8 2 6

CROWN LANDS.

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Date.	Place.							Country.	Suburban.		
			£ s. d.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
1860.											
Jan. 17	Albury	Albury	3 0	4 5 0	John Horsley				2 2 0	10 12 6	
	Do	Do	3 0	4 5 0	Do				2 2 0	10 12 6	
	Do	Do	3 0	5 5 0	James Thomas Fallon				11 2 0	60 7 6	
Feb. 6	Wagga Wagga	Wagga Wagga	2 10	2 10 0	James Layton				3 3 24	9 15 0	
	Do	Do	2 10	2 10 0	Do				3 1 8	8 5 0	
	Do	Do	2 10	2 10 0	Do				3 0 0	7 10 0	
	Do	Do	4 0	4 0 0	Cyrus Edmund Smith				1 3 18	7 9 0	
	Do	Do	4 0	5 0 0	Allen Bradley Morgan				0 3 36	4 17 6	
	Do	Do				3 0 0	Wm. Lakeman		2 2 8		0 15 4
	Do	Do	3 0	3 3 0	Robert Irvine				2 3 36	9 7 6	
	Do	Do	3 0	3 1 0	Do				3 1 24	10 7 5	
	Do	Do	3 0	3 1 0	Percival S. F. Stephen				4 3 9	14 13 3	
	Do	Do	3 0	3 0 0	Robert Irvine				4 3 31	14 16 8	
	Do	Do				2 10 0			5 3 20		
	Do	Do				2 10 0			7 0 20		
	Do	Do				2 10 0			14 1 24		
	Do	Do				2 10 0			8 1 24		
	Do	Do				2 10 0			8 1 24		
	Do	Do				2 10 0			8 1 24		
	Do	Do				2 10 0			8 1 24		
	Do	Do				2 10 0			8 1 24		
	Do	Do				2 10 0			15 0 32		
	Do	Do				2 10 0			2 10 0		
	Do	Do				2 10 0			7 3 14		
	Do	Do				2 10 0			7 3 14		
	Do	Do				2 10 6			7 3 14		
	Do	Do				2 10 0			7 3 14		
	Do	Do				2 10 0			8 2 26		
	Do	Do				2 10 0			8 2 26		
	Do	Do				2 10 0			8 2 26		
	Do	Do				2 10 0	William Lake		8 2 26		2 3 4
	Do	Do	2 10	2 10 0	Cyrus Edmund Smith				5 1 26	13 10 8	
	Do	Do	2 10	2 10 0	Do				5 1 9	13 5 4	
	Do	Do	2 10	2 10 0	Do				5 1 19	13 8 6	
	Do	Do	2 10	2 10 0	Do				5 1 18	13 8 2	
	Do	Do				2 10 0			5 2 0		
	Do	Do				2 10 0			5 2 0		
	Do	Do				2 10 0			5 2 0		
	Do	Do				2 10 0			5 2 0		
	Do	Do				2 10 0			5 0 36		
	Do	Do				2 10 0			5 0 36		
	Do	Do				2 10 0			10 1 32		
	Do	Do				2 10 0			10 1 32		
	Do	Do				2 10 0			10 1 32		
	Do	Do	2 10	2 10 0	Cyrus Edmund Smith				8 3 25	22 6 3	
Feb. 14	Casino	Richmond River				1 0 0			18 3 0		
	Do	Do				1 0 0			24 2 0		
	Do	Do	1 0	1 0 0	Alexander M'Kellar				46 0 0	46 0 0	
	Do	Do	1 0	1 0 0	Do				38 0 0	38 0 0	
	Do	Do	4 0	4 0 0	Thomas Barker				1 1 18	5 9 0	
	Do	Do	4 0	4 0 0	Frederick West				1 2 26	6 13 0	
	Do	Do	4 0	4 0 0	Do				1 2 29	6 14 6	
	Do	Do	4 0	5 5 0	Caspar Frohmuller				1 3 5	9 7 1	
	Do	Do	4 0	5 15 0	Do				1 3 10	10 8 6	
	Do	Do	4 0	4 5 0	Thomas Barker				1 3 11	7 14 8	
	Do	Do	4 0	7 0 0	Do				0 3 24	6 6 0	
	Do	Do	4 0	4 0 0	Do				1 0 5	4 2 6	
	Do	Do	4 0	4 15 0	Do				1 0 8	4 19 9	
	Do	Do	4 0	4 0 0	Do				1 0 6	4 3 0	
	Do	Do				4 0 0	M. R. Finucane		1 0 13		0 8 8
	Do	Do				4 0 0	Do		1 0 29		0 9 6
	Do	Do	4 0	4 15 0	Michael Richard Finucane				1 0 37	5 17 0	
	Do	Do	4 0	6 0 0	George French				1 0 27	7 0 3	
	Do	Do	4 0	4 0 0	Eliza Silk Sjostrom				1 0 11	4 5 6	
	Do	Do	4 0	4 0 0	Do				1 0 2	4 1 0	
	Do	Do	4 0	4 0 0	James M'Millan				1 0 0	4 0 0	
	Do	Do	4 0	4 0 0	Thady Walsh				1 0 0	4 0 0	
	Do	Do				1 0 0			1 0 0		
	Do	Do				1 0 0			1 0 0		
	Do	Do				1 0 0			1 0 0		
	Do	Do	3 0	3 0 0	James Rourke				2 2 27	8 0 2	
	Do	Do	4 0	4 0 0	John Grime				1 0 35	4 17 6	
	Do	Do	4 0	4 0 0	Do				1 0 23	4 11 6	
	Do	Do	4 0	4 0 0	Do				1 0 16	4 5 0	
	Do	Do	4 0	4 0 0	Frederick West				1 0 10	4 5 0	
	Do	Do				4 0 0			1 0 11		
	Do	Do				4 0 0			1 0 16		
	Do	Do				4 0 0			1 0 39		
	Do	Do				2 10 0			8 0 2		
	Do	Do				2 10 0			8 1 18		
	Do	Do				2 10 0			7 2 32		
	Do	Do				2 10 0			7 2 32		
	Do	Do				3 0 0			3 2 0		
	Do	Do				3 0 0			3 2 0		
	Do	Do				3 0 0			3 2 0		

CROWN LANDS.

Date and Place at which the Auction was held.		District in which the Lands were situated.	Upset price per acre of Land sold.	Prices per acre realized in each case.	Names of Purchasers.	Largest price per acre of lots not bid for, or the price for which the purchase money was not made good, or the deposit forfeited.	Names of Bidders.	Description of Land.		Amount realized.	Deposit forfeited.
Date.	Place.							Country.	Suburban.		
1860.			£ s.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
Feb. 14	Casino	Richmond River				3 0 0			3 2 0		
Feb. 15	Wagga Wagga	Wagga Wagga	4 0	34 10 0	William Benjamin Gibbs				1 2 33	58 17 4	
	Do	Do	4 0	25 0 0	George Forsyth				1 3 36	49 7 6	
	Do	Do	3 0	21 0 0	James Blyth Caldwell				2 0 8	43 1 0	
	Do	Do	3 0	21 0 0	John M'Intosh & Andrew Cruickshank.				2 0 16	43 19 5	
	Do	Do	3 0	32 10 0	Henry Moxham				2 0 35	72 2 4	
	Do	Do	4 0	32 10 0	Allen Bradley Morgan				1 3 30	64 18 2	
	Do	Do	4 0	20 10 0	Eliza Jane Nixon				1 2 0	30 15 0	
	Do	Do	4 0	20 0 0	Edward Mumford				1 0 38	24 15 0	
	Do	Do	4 0	20 0 0	Georga Forsyth				1 0 34	24 5 0	
	Do	Do	4 0	20 0 0	William Whitelund				1 0 31	23 17 6	
Feb. 20	Muswellbrook	Muswellbrook	2 10	7 0 0	Joseph M'Cully				2 2 0	17 10 0	
Feb. 21	Orange	Orange				1 0 0		42 0 0			
	Do	Do				1 0 0		45 0 0			
	Do	Do				1 0 0		49 0 0			
	Do	Do				1 0 0		56 0 0			
	Do	Do				1 0 0		52 0 0			
	Do	Do				1 0 0		34 0 0			
	Do	Do				1 0 0		33 0 0			
	Do	Do				1 0 0		64 0 0			
	Do	Do				1 0 0		49 0 0			
	Do	Do				1 0 0		49 0 0			
	Do	Do				1 0 0		50 0 0			
	Do	Do				1 0 0		35 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		41 3 0			
	Do	Do				1 0 0		39 1 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		42 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		46 1 0			
	Do	Do				1 0 0		55 3 0			
	Do	Do				1 0 0		45 0 0			
	Do	Do				1 0 0		49 0 0			
	Do	Do				1 0 0		36 0 0			
	Do	Do				1 0 0		30 0 0			
	Do	Do				1 0 0		45 0 0			
	Do	Do				1 0 0		44 0 0			
	Do	Do				1 0 0		42 1 0			
	Do	Do				1 0 0		43 3 0			
	Do	Do				1 0 0		45 0 0			
	Do	Do				1 0 0		45 0 0			
	Do	Do				1 0 0		47 0 0			
	Do	Do				1 0 0		60 2 0			
	Do	Do				1 0 0		42 0 0			
	Do	Do				1 0 0		33 1 0			
	Do	Do				1 0 0		32 0 0			
	Do	Do				1 0 0		41 0 0			
	Do	Do				1 0 0		58 0 0			
	Do	Do				1 0 0		47 0 0			
	Do	Do				1 0 0		45 2 0			
	Do	Do				1 0 0		43 3 0			
	Do	Do				1 0 0		42 0 0			
	Do	Do				1 0 0		40 1 0			
	Do	Do	1 0	1 0 0	Thomas Hobson			39 0 0		39 0 0	
	Do	Do				1 0 0		44 3 0			
	Do	Do				1 0 0		23 1 0			
	Do	Do	1 0	1 0 0	William Horrocks			56 0 0		56 0 0	
	Do	Do	1 0	1 0 0	Do			55 2 0		55 10 0	
	Do	Do				1 0 0		42 3 0			
	Do	Do				1 0 0		44 3 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		41 0 0			
	Do	Do				1 0 0		42 0 0			
	Do	Do				1 0 0		43 1 0			
	Do	Do				1 0 0		44 0 0			
	Do	Do				1 0 0		44 3 0			
	Do	Do				1 0 0		46 0 0			
	Do	Do				1 0 0		27 2 0			
	Do	Do				1 0 0		46 3 0			
	Do	Do				1 0 0		50 1 0			
	Do	Do				1 0 0		46 0 0			
	Do	Do				1 0 0		52 0 0			
	Do	Do				1 0 0		42 0 0			
	Do	Do				1 0 0		43 0 0			
	Do	Do				1 0 0		53 3 0			
	Do	Do				1 0 0		80 0 0			
	Do	Do				1 0 0		66 1 0			
	Do	Do				1 0 0		45 3 0			
	Do	Do				1 0 0		41 0 0			
	Do	Do				1 0 0	William Taylor	82 0 0			10 0 0
	Do	Do				1 0 0		44 0 0			
	Do	Do				1 0 0		71 0 0			

CROWN LANDS.

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Date.	Place.							Country.	Suburban.		
1860.			£ s.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
Mar. 15	Grafton	Grafton				10 0 0			1 3 30		
	Do	Do				10 0 0			1 3 30		
	Do	Do				10 0 0			1 3 30		
	Do	Do				10 0 0			1 3 30		
	Do	Do				10 0 0			1 3 30		
	Do	Do				10 0 0			1 3 30		
	Do	Do				10 0 0			1 3 30		
Mar. 23	Hartley	Hartley				1 0 0		22 0 0			
	Do	Do				1 0 0		20 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		37 0 0			
	Do	Do	1 0	1 0 0	Kenneth Grant M'Lennan	....	.....	22 3 22	....	22 17 9	
	Do	Do	1 0	1 0 0	Do	....	.....	20 0 0	....	20 0 0	
	Do	Do				1 0 0		20 0 0			
	Do	Do	1 0	1 0 0	John Shaw Strange	....	.....	34 0 0	....	34 0 0	
	Do	Do				1 0 0		17 0 0			
	Do	Do				1 0 0		33 3 0			
	Do	Do				1 0 0		36 2 0			
	Do	Do				1 0 0		34 3 0			
	Do	Do				1 0 0		38 0 0			
	Do	Do				1 0 0		42 2 0			
	Do	Do				1 0 0		48 2 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do	1 0	1 0 0	Margaret Beale	....	.....	41 0 0	....	40 0 0	
	Do	Do				1 0 0		34 0 0			
	Do	Do				1 0 0		31 2 0			
	Do	Do				1 0 0		31 1 0			
	Do	Do	1 0	1 0 0	George Hutchinson	....	.....	30 0 0	....	30 0 0	
	Do	Do				1 10 0		5 2 32			
	Do	Do				1 10 0		5 1 28			
Mar. 26	Gundagai	Gundagai	1 0	1 0 0	Anton Nierbierding	....	.....	60 0 0	....	60 0 0	
	Do	Do	1 0	1 0 0	Do	....	.....	48 0 0	....	48 0 0	
	Do	Do				1 0 0		42 0 0			
	Do	Do				1 0 0		31 1 0			
	Do	Do	1 0	1 0 0	Edmund Sanderson	....	.....	35 0 0	....	35 0 0	
	Do	Do				1 0 0		40 2 0			
	Do	Do				1 0 0		51 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		50 0 0			
	Do	Do				1 0 0		48 2 0			
	Do	Do				1 0 0		50 2 0			
	Do	Do				1 0 0		63 1 0			
	Do	Do				1 0 0		103 1 0			
	Do	Do				1 0 0		107 2 0			
	Do	Do				1 0 0		80 0 0			
	Do	Do				1 0 0		60 2 0			
	Do	Do				1 0 0		57 3 0			
	Do	Do				1 0 0		45 2 0			
	Do	Do				1 0 0		51 3 0			
	Do	Do				1 0 0		41 2 0			
	Do	Do				1 0 0		39 3 0			
	Do	Do				1 0 0		48 3 0			
	Do	Do				1 0 0		31 3 0			
	Do	Do				1 0 0		55 0 0			
	Do	Do				1 0 0		68 0 0			
	Do	Do				1 0 0		39 0 0			
	Do	Do	1 0	1 0 0	William Jamison	....	.....	41 3 0	....	41 15 0	
	Do	Do	1 0	1 0 0	Do	....	.....	62 0 0	....	62 0 0	
	Do	Do				1 0 0		27 2 0			
	Do	Do				1 0 0		26 3 0			
	Do	Do				1 0 0		31 0 0			
	Do	Do				1 0 0		32 1 0			
	Do	Do				1 0 0		39 0 0			
	Do	Do				1 0 0		37 1 0			
	Do	Do				1 0 0		34 0 0			
	Do	Do				1 0 0		35 3 0			
	Do	Do				1 0 0		32 0 0			
	Do	Do				1 0 0		31 0 0			
	Do	Do				1 0 0		32 0 0			
	Do	Do				1 0 0		37 3 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		41 3 0			
	Do	Do				1 0 0		52 0 0			
	Do	Do				1 0 0		34 0 0			
	Do	Do				1 0 0		32 2 0			
	Do	Do				1 0 0		59 1 0			
	Do	Do				1 0 0		65 1 0			
	Do	Do				1 0 0		67 2 0			
	Do	Do				1 0 0		54 0 0			
	Do	Do				1 0 0		56 0 0			
	Do	Do				1 0 0		61 1 0			
	Do	Do				1 0 0		56 2 0			
	Do	Do				1 0 0		40 0 0			

CROWN LANDS.

Date and Place at which the Auction was held.		District in which the Lands were situated.	Upset price per acre of Land sold.	Prices per acre realized in each case.	Names of Purchasers.	Upset price per acre of this not bid for or withdrawn from sale or for which the deposit was forfeited or the deposit forfeited.	Names of Bidders.	Description of Land.		Amount realized.	Deposit forfeited.
Date.	Place.							Country.	Suburban.		
1860.			£ s.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
Mar. 26	Gundagai	Gundagai	1 0	1 0 0	William Smith	....	.....	40 1 0	....	40 5 0	
	Do	Do	1 0	1 0 0	Do	....	.....	40 2 0	....	40 10 0	
	Do	Do	1 0	1 0 0	Do	....	.....	41 1 0	....	61 11 3	
	Do	Do				1 0 0		43 2 0			
	Do	Do				1 0 0		39 1 0			
	Do	Do				1 0 0		130 1 0			
	Do	Do				1 0 0		75 1 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		151 3 0			
	Do	Do				1 0 0		34 2 0			
	Do	Do				1 0 0		41 0 0			
	Do	Do				1 0 0		48 0 0			
	Do	Do				1 0 0		49 2 0			
	Do	Do				1 0 0		44 0 0			
	Do	Do				1 0 0		74 3 0			
	Do	Do				1 0 0		84 0 0			
	Do	Do	1 0	3 10 0	Michael Quirk	....	.....	52 0 0	....	182 0 0	
	Do	Do	4 0	6 0 0	Francis Lloyd	....	.....	....	1 0 0	6 0 0	
	Do	Do	4 0	6 0 0	Do	....	.....	....	1 0 0	6 0 0	
	Do	Do	4 0	6 0 0	Do	....	.....	....	1 0 0	6 0 0	
Mar. 28	Tamworth	Tamworth				1 0 0		45 2 0			
	Do	Do				1 0 0		64 2 0			
	Do	Do				1 0 0		81 3 0			
	Do	Do				1 0 0		31 0 0			
	Do	Do				1 0 0		101 2 0			
	Do	Do				1 0 0		35 0 0			
	Do	Do				1 0 0		27 2 0			
	Do	Do				1 0 0		141 0 0			
	Do	Do				1 0 0		190 0 0			
Mar. 31	Bombala	Bombala	1 0	1 2 0	William Dent	....	.....	20 0 0	....	22 0 0	
	Do	Do				1 0 0		29 0 0			
	Do	Do				1 0 0		29 0 0			
	Do	Do				1 0 0		28 2 0			
	Do	Do				1 0 0		28 2 0			
	Do	Do	1 10	1 10 0	Edward Ivill	....	.....	11 3 38	....	17 19 9	
	Do	Do				3 0 0		....	2 2 0		
	Do	Do				3 0 0		....	2 2 0		
	Do	Do				3 0 0		....	4 3 36		
	Do	Do				3 0 0		....	4 0 30		
	Do	Do	4 0	4 0 0	Henry Kesterton	....	.....	....	1 1 14	5 7 0	
Apl. 3	Hay	Balranald				1 0 0		27 2 0			
	Do	Do				1 0 0		30 0 0			
	Do	Do				1 0 0		46 0 0			
	Do	Do				1 0 0		47 0 0			
	Do	Do				1 0 0		41 0 0			
	Do	Do				1 0 0		31 0 0			
	Do	Do				1 0 0		35 0 0			
	Do	Do				1 0 0		47 0 0			
	Do	Do				1 0 0		43 0 0			
	Do	Do				1 0 0		30 0 0			
	Do	Do				1 0 0		30 0 0			
	Do	Do	1 0	1 0 0	William Leahy Echlin	....	.....	34 0 0	....	34 0 0	
	Do	Do	1 0	1 0 0	Thomas Disher	....	.....	28 2 0	....	28 10 0	
	Do	Do	3 0	3 12 6	John Ward	....	.....	....	3 3 7	13 16 6	
	Do	Do	3 0	3 0 0	Edward Cunningham	....	.....	....	3 1 0	9 15 0	
	Do	Do	3 0	3 0 0	William Leahy Echlin	....	.....	....	3 2 0	10 10 0	
	Wellington	Wellington				1 0 0		41 0 0			
	Do	Do				1 0 0		36 0 0			
	Do	Do				1 0 0		39 0 0			
	Do	Do				1 0 0		92 0 0			
	Do	Do				1 0 0		56 0 0			
	Do	Do				1 0 0		52 0 0			
	Do	Do				1 0 0		41 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do	1 0	1 0 0	Bryan Veech, junr.	....	.....	44 0 0	....	44 0 0	
	Do	Do				1 0 0		40 0 0			
	Do	Do	1 0	1 0 0	Bryan Veech, junr.	....	.....	26 2 0	....	26 10 0	
	Do	Do				1 0 0		48 0 0			
	Do	Do				1 0 0		56 0 0			
	Do	Do				1 0 0		41 3 0			
	Do	Do				1 0 0		43 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		32 0 0			
	Do	Do				1 0 0		50 0 0			
	Do	Do				1 0 0		55 0 0			
	Do	Do				1 0 0		54 0 0			
	Do	Do				1 0 0		51 0 0			
	Do	Do				1 0 0		90 0 0			
	Do	Do				1 0 0		59 0 0			
	Do	Do				1 0 0		62 0 0			
	Do	Do				1 0 0		41 0 0			
	Do	Do				1 0 0		53 0 0			
	Do	Do				1 0 0		49 0 0	49 0 0	
	Do	Do	1 0 0		Bridget Veech	61 0 0		

CROWN LANDS.

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Date.	Place.							Country.	Suburban.		
			£ s. d.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
1860.											
April 5	Boorowa	Binalong	3 0	3 0 0	John Howcroft	2 0 0	6 0 0	
	Do	Do	3 0	3 0 0	Do	.....	.....	.....	2 0 0	6 0 0	
	Do	Do	4 0	4 0 0	Do	.....	.....	.....	1 0 0	4 0 0	
	Do	Do	4 0	4 0 0	Do	.....	.....	.....	1 0 0	4 0 0	
April 9	Windsor	Windsor				1 0 0		39 0 0			
	Do	Do				1 0 0		45 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		37 0 0			
	Do	Do				1 0 0		44 2 0			
	Do	Do				1 0 0		42 0 0			
	Do	Do				1 0 0		43 0 0			
	Do	Do				1 0 0		42 0 0			
	Do	Do				1 0 0		45 0 0			
	Do	Do				1 0 0		44 0 0			
	Do	Do				1 0 0		53 0 0			
	Do	Do	1 0	1 0 0	John Scath	.....	.....	38 0 0		38 0 0	
	Do	Do	1 0	1 0 0	Do	.....	.....	37 0 0		37 0 0	
	Do	Do	1 0	1 0 0	Do	.....	.....	57 0 0		57 0 0	
	Do	Do				1 0 0		68 0 0			
	Do	Do	1 0	1 0 0	John Scath	.....	.....	35 0 0		35 0 0	
	Do	Do				1 0 0		45 0 0			
	Do	Do				1 0 0		47 0 0			
	Do	Do				1 0 0		29 3 0			
	Do	Do				1 0 0		43 0 0			
	Do	Do				1 0 0		47 0 0			
	Do	Do				1 0 0		46 0 0			
	Do	Do				1 0 0		44 0 0			
April 11	Wingham	Manning River	1 0	1 0 0	R. Minards & W. Minards	.....	.....	23 0 0		23 0 0	
	Do	Do	1 0	1 0 0	John Lobson	.....	.....	45 0 0		45 0 0	
	Do	Do				1 0 0		50 0 0			
	Do	Do				1 0 0		55 0 0			
	Do	Do				1 0 0	Robert Andrews	54 0 0			
	Do	Do	1 0	1 0 0	Even Kennedy	.....	.....	45 0 0			5 0 0
	Do	Do	1 0	1 0 0	R & J. Sumnerville	.....	.....	41 0 0		41 0 0	
	Do	Do				1 0 0		39 3 0		39 15 0	
	Do	Do				1 0 0		41 0 0			
	Do	Do				1 0 0		38 0 0			
	Do	Do	1 0	1 0 0	Horace Dean	.....	.....	26 0 16		26 2 0	
	Do	Do	1 0	1 0 0	Do	.....	.....	17 1 37		17 9 8	
	Do	Do	1 0	1 0 0	Do	.....	.....	18 2 21		18 12 8	
	Do	Do				1 0 0		30 0 0			
	Do	Do				1 0 0		46 0 0			
	Do	Do				1 0 0		90 0 0			
	Do	Do				1 0 0		23 0 0			
	Do	Do				2 10 0			12 0 0		
	Do	Do				2 10 0			13 0 0		
	Do	Do				2 10 0			10 2 0		
	Do	Do				2 10 0			5 0 15		
	Do	Do				2 10 0			5 3 33		
	Do	Do				2 10 0			6 3 36		
	Do	Do				2 10 0			7 3 11		
	Do	Do				2 10 0			1 1 0		5 0 0
April 16	Albury	Albury	4 0	4 0 0	William Jenkins	.....	.....	20 0 0		85 0 0	
	Coonabarabran	Dubbo	1 0	4 5 0		.....	.....	19 0 0		95 19 0	
	Do	Do	1 0	5 1 0		.....	.....	34 0 0			
	Do	Do				1 0 0		34 3 0			
	Do	Do				1 0 0		88 0 0			
	Do	Do				1 0 0		56 0 0			
	Do	Do	1 0	1 0 0	Edward Lyons	.....	.....	63 0 0		63 0 0	
	Do	Do				1 0 0		61 0 0			
	Do	Do				1 0 0		52 0 0			
	Do	Do				1 0 0	James Hall	78 0 0			7 16 0
	Do	Do				1 0 0	Do	89 0 0			8 18 0
	Do	Do				1 0 0		88 0 0			
	Do	Do				1 0 0		82 0 0			
	Do	Do				1 0 0		105 0 0			
	Do	Do				1 0 0		114 0 0			
	Do	Do				1 0 0		98 0 0			
	Do	Do				1 0 0		117 0 0			
	Do	Do				1 0 0		105 0 0			
	Do	Do				1 0 0		195 0 0			
	Do	Do				1 0 0		210 0 0			
	Do	Do				1 0 0		207 0 0			
	Do	Do				1 0 0		19 0 0			
	Do	Do				1 0 0		22 3 0			
	Do	Do				1 0 0		160 0 0			
	Do	Do				1 0 0		145 0 0			
	Do	Do				1 0 0		130 0 0			
	Do	Do				1 0 0		88 0 0			
	Do	Do	1 0	1 0 0	Edward Cox	.....	.....	51 0 0		51 0 0	
	Do	Do	1 0	1 0 0	John Taylor	45 0 0		45 0 0	
	Do	Do	1 0	1 0 0	James Cooper	42 0 0		42 0 0	
	Do	Do	1 0	1 0 0	George Matthews	45 0 0		45 0 0	

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Date.	Place.							Country.	Suburban.		
1869.			£ s.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
April 16	Coonabarabran	Dubbo	1 0	1 5 0	James Tighe	1 5 0	William Pearson	10 1 0	12 10 0	1 4 0
	Do	Do	1 0	1 5 0	Do	1 5 0	Patrick Power	10 0 0	....	12 10 0	1 4 0
	Do	Do	1 5	1 5 0	William Parsons	1 5 0	Do	9 2 0	....	15 0 0	
	Do	Do	1 5	1 17 0	Do	1 5 0	Do	9 0 0	....	19 17 0	
	Do	Do	1 5	2 0 0	George Forrester	1 5 0	Do	9 0 0	....	17 10 0	
	Do	Do	1 5	3 9 0	Do	1 5 0	Do	9 3 0	....	33 12 9	
	Do	Do	1 5	1 5 0	William Parsons	1 5 0	Do	10 0 0	....	12 10 0	
	Do	Do	1 5	1 5 0	Do	1 5 0	Do	11 0 0	....	13 15 0	
	Do	Do	1 5	1 5 0	Do	1 5 0	Do	10 0 0	....	12 10 0	
	Do	Do	1 10	1 10 0	James Hall	1 10 0	Do	9 0 0	....	13 10 0	
	Do	Do	1 10	1 12 0	John Knight	1 10 0	Do	2 2 7	....	4 1 5	
	Do	Do	1 10	1 10 0	Do	1 10 0	Do	2 2 10	....	4 5 0	
	Do	Do	1 10	1 10 0	Do	1 10 0	Do	3 1 16	....	5 1 6	
	Do	Do	1 10	1 10 0	Do	1 10 0	Do	4 3 0	....	7 2 6	
	Do	Do	1 10	1 16 0	William Field	1 10 0	Do	5 3 8	....	10 8 10	
	Do	Do	1 10	1 10 0	Do	1 10 0	Do	6 3 0	....	10 2 6	
	Do	Do	1 10	2 0 0	Do	1 10 0	Do	7 0 0	....	14 0 0	
	Do	Do			Do	1 10 0	Do	4 1 24	....	
	Do	Do			Do	1 10 0	Do	4 1 24	....	
	Do	Do	2 0	2 5 0	William Parsons	2 0 0	Do	4 1 24	....	6 3 9	
	Do	Do	2 0	2 2 0	Samuel Barnard	2 0 0	Do	2 2 27	....	5 12 1	
	Do	Do	2 0	2 11 0	James McCubbin	2 0 0	Do	2 1 20	....	6 1 5	
	Do	Do	2 0	2 4 0	Do	2 0 0	Do	1 3 30	....	4 9 6	
	Do	Do	2 0	2 7 0	Thomas Maloney	2 0 0	Do	2 3 11	....	6 12 6	
	Do	Do	3 0	3 0 0	James Cooper	3 0 0	Do	2 0 17	....	6 6 3	
	Do	Do			Do	3 5 0	Thomas Thorne	2 0 17	....		0 14 0
	Do	Do			Do	4 3 0	James Hall	1 3 35	....		0 18 0
	Do	Do			Do	5 0 0	Do	1 3 38	....		1 0 0
	Do	Do			Do	4 10 0	Thomas Thorne	1 2 0	....		0 14 0
	Do	Do			Do	5 0 0	James Hall	1 1 6	....		0 14 0
	Do	Do			Do	4 0 0	Do	1 1 6	....	
	Do	Do	4 0	6 0 0	William Parsons	4 0 0	Do	1 0 19	....	6 14 3	
	Do	Do	4 0	4 0 0	Do	4 0 0	Do	1 0 10	....	4 5 0	
	Do	Do	4 0	4 4 0	Do	4 0 0	Do	1 0 15	....	4 12 6	
	Do	Do	4 0	4 0 0	Do	4 0 0	Do	1 0 16	....	4 8 0	
	Do	Do	4 0	5 9 0	Do	4 0 0	Do	1 0 17	....	6 0 6	
April 18	Tumut	Tumut				1 0 0		37 0 0	....	
	Do	Do	1 0	1 0 0	Francis Halloran	1 0 0		56 0 0	....	56 0 0	
	Do	Do	1 0	1 0 0	Do	1 0 0		62 1 0	....	62 10 0	
	Do	Do	1 0	1 13 0	Thomas Healy	1 0 0		48 0 0	....	79 4 0	
	Do	Do	1 0	1 13 0	Jeremiah Kennolly	1 0 0		50 0 0	....	82 10 0	
	Do	Do	1 0	1 0 0	Thomas Healy	1 0 0		58 1 0	....	58 5 0	
	Do	Do	1 0	1 0 0	Keeran Claffy	1 0 0		45 0 0	....	45 0 0	
	Do	Do	1 0	1 0 0	Robert Gordon	1 0 0		50 0 0	....	60 0 0	
	Do	Do	1 0	1 8 0	James Kell	1 0 0		38 3 0	....	54 5 0	
	Do	Do	1 0	1 11 0	Do	1 0 0		50 0 0	....	77 10 0	
	Do	Do	1 0	1 13 0	Do	1 0 0		45 0 0	....	74 5 0	
	Do	Do			Do	1 0 0		88 3 0	....	
	Do	Do			Do	1 0 0		88 3 0	....	
	Do	Do			Do	1 0 0		57 1 0	....	
	Do	Do			Do	1 0 0		60 1 0	....	
	Do	Do			Do	1 0 0		64 0 0	....	
	Do	Do			Do	1 0 0		83 0 0	....	
	Do	Do			Do	1 0 0		76 0 0	....	
	Do	Do			Do	1 0 0		65 0 0	....	
	Do	Do	1 0	1 0 0	Jeremiah Kennolly	1 0 0		74 0 0	....	74 0 0	
	Do	Do	1 0	1 0 0	Timothy O'Mara	1 0 0		130 0 0	....	130 0 0	
	Do	Do	1 0	1 0 0	Do	1 0 0		85 0 0	....	85 0 0	
	Do	Do	1 0	7 9 0	Michael Quilty	1 0 0		101 0 0	....	762 9 0	
	Do	Do	1 0	9 5 0	Do	1 0 0		59 0 0	....	545 15 0	
	Do	Do	1 0	2 1 0	Amelia Matilda Shelley	1 0 0		49 0 0	....	100 9 0	
	Do	Do	1 0	1 0 0	Edmond Malone	1 0 0		63 0 0	....	63 0 0	
	Do	Do	1 0	1 0 0	Hugh Naughton	1 0 0		61 0 0	....	61 0 0	
	Do	Do	1 0	1 0 0	Robert Gordon	1 0 0		48 0 0	....	48 0 0	
	Do	Do			Do	1 0 0		32 0 0	....	
	Do	Do	1 0	1 0 0	Michael Quilty	1 0 0		62 2 0	....	62 10 0	
	Do	Do			Do	1 0 0		62 2 0	....	
	Do	Do			Do	1 0 0		74 3 0	....	
	Do	Do			Do	1 0 0		79 0 0	....	
	Do	Do			Do	1 0 0		102 1 0	....	
	Do	Do			Do	1 0 0		59 2 0	....	
	Do	Do	1 0	1 0 0	Amelia Matilda Shelley	1 0 0		192 0 0	....	192 0 0	
	Do	Do	1 0	2 1 0	Robert Downing	1 0 0		179 0 0	....	366 19 0	
	Do	Do			Do	1 0 0		50 0 0	....	
	Do	Do	1 0	1 0 0	Amelia Matilda Shelley	1 0 0		124 0 0	....	124 0 0	
	Do	Do			Do	1 0 0		48 0 0	....	
	Do	Do			Do	1 0 0		114 0 0	....	
	Do	Do			Do	1 0 0		57 0 0	....	
April 19			1 0	1 3 0	Angus and John Rankin	1 0 0		47 0 0	54 1 0	
	Do	Do	1 0	3 12 0	William Piper	1 0 0		43 0 0	154 16 0	

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Date.	Place.							Country.	Suburban.		
1860.											
Apl. 19	Tumut	Tumut	£ s.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
	Do	Do				1 0 0		89 0 0			
	Do	Do				1 0 0		70 0 0			
	Do	Do				1 0 0		43 0 0			
	Do	Do				1 0 0		57 0 0			
	Do	Do				1 0 0		59 0 0			
	Do	Do				1 0 0		81 0 0			
	Do	Do				1 0 0		98 0 0			
	Do	Do				1 0 0		100 0 0			
	Do	Do				1 0 0		100 0 0			
	Do	Do				1 0 0		85 0 0			
	Do	Do				1 0 0		98 0 0			
	Do	Do				1 0 0		136 1 0			
	Do	Do	1 0	1 0 0	Robert Lowther ..			72 1 0		72 10 0	
	Do	Do	1 0	1 0 0	Do ..			76 0 0		76 0 0	
	Do	Do				1 0 0		56 0 0			
	Do	Do				1 0 0		61 0 0			
	Do	Do				1 0 0		54 0 0			
	Do	Do	1 0	1 0 0	Francis Foord ..			53 3 0		53 15 0	
	Do	Do	2 0	1 0 0	James Hibbons ..			51 3 0		51 15 0	
	Do	Do	1 0	1 0 0	Do ..			55 2 0		55 10 0	
	Do	Do	1 0	1 0 0	Francis Foord ..			51 0 0		51 0 0	
	Do	Do				1 0 0		111 0 0			
	Do	Do	1 0	1 0 0	William Pipar ..			92 0 0		92 0 0	
	Do	Do	1 0	1 10 0	Thomas Wm. Lindbeck..			35 3 0		53 12 6	
	Do	Do	1 0	1 0 0	Bernard Kelly ..			48 1 0		48 5 0	
	Do	Do				1 0 0		48 3 0			
	Do	Do				1 0 0		48 0 0			
	Do	Do				1 0 0		47 0 0			
	Do	Do				1 0 0		44 0 0			
	Do	Do				1 0 0		119 0 0			
	Do	Do				1 0 0		113 0 0			
	Do	Do				1 0 0		125 0 0			
	Do	Do				1 0 0		147 3 0			
	Do	Do				1 0 0		69 0 0			
	Do	Do				1 0 0		42 0 0			
	Do	Do				1 0 0		51 1 0			
	Do	Do				1 0 0		129 0 0			
Apl. 24	Queanbeyan	Queanbeyan	1 0	2 7 0	Michael Commins ..			112 0 0		263 4 0	
	Do	Do	1 0	1 0 0	James Lawler ..			40 0 0		40 0 0	
	Do	Do	1 0	1 0 0	Robert Johnston ..			46 0 0		46 0 0	
	Do	Do	1 0	1 0 0	Do ..			32 0 0		32 0 0	
	Do	Do	1 0	2 0 0	James Hughes ..			30 0 0		60 0 0	
	Do	Do	1 0	1 0 0	John Donnelly ..			30 0 0		39 0 0	
	Do	Do	1 0	1 10 0	Do ..			30 0 0		45 0 0	
	Do	Do	1 0	2 0 0	Do ..			30 0 0		60 0 0	
	Do	Do	1 0	1 10 0	Do ..			30 0 0		45 0 0	
	Do	Do	1 0	5 1 0	Robert Charters ..			48 0 0		242 8 0	
	Do	Do	1 0	1 0 0	John Casey ..			35 0 0		35 0 0	
	Do	Do	1 0	1 0 0	Do ..			31 0 0		31 0 0	
	Do	Do	1 0	1 0 0	John Donnelly ..			30 0 0		30 0 0	
	Do	Do	1 0	3 6 0	Do ..			30 0 0		99 0 0	
	Do	Do	1 0	1 10 0	Robert M'Cauley..			42 0 0		63 0 0	
	Do	Do						44 1 0			
	Do	Do	1 0	1 0 0	Sarah Edmonds ..	J. M. Antill ..		32 0 0			3 4 0
	Do	Do						40 0 0			
	Do	Do						30 0 0			
	Do	Do				J. M. Antill ..		40 0 0			8 0 0
	Do	Do						37 2 0			
	Do	Do						76 0 0			
	Do	Do						75 2 0			
	Do	Do						30 0 0			6 0 0
	Do	Do	1 0	1 0 0	John Iden ..			32 2 0		91 0 0	
	Do	Do						37 2 0			
	Do	Do						42 2 0			
	Do	Do						55 2 0			
	Do	Do						40 0 0			
	Do	Do						41 1 0			
	Do	Do	1 0	1 9 6	George Campbell..			33 0 0		48 18 6	
	Do	Do	1 0	1 14 3	Do ..			32 0 0		54 16 0	
	Do	Do	1 0	1 16 3	Do ..			37 0 0		67 1 3	
	Do	Do	1 0	1 15 3	Do ..			32 0 0		56 8 0	
	Do	Do	1 0	2 14 3	Do ..			34 0 0		92 4 6	
	Do	Do	1 0	2 15 3	Do ..			35 0 0		95 13 9	
	Do	Do	1 0	1 10 0	John James Wright ..			29 0 0		43 10 0	
	Do	Do						33 0 0			5 2 4
	Do	Do				John J. Wright..		35 0 0			5 15 6
	Do	Do	1 0	1 10 3	George Campbell ..			45 0 0		68 1 3	
	Do	Do	1 0	1 11 3	Do ..			32 0 0		50 0 0	
	Do	Do	1 0	1 16 3	Do ..			37 0 0		67 1 3	
Apl. 25	Cassilis	Cassilis				5 1 3	Alfred N. Levy..	59 0 0	4 3 28		2 9 11
	Do	Do				per lot.		47 0 0			
	Do	Do						33 0 0			
	Do	Do	1 0	1 0 0	John Nichols ..		Samuel Cussens ..	29 2 23		29 12 11	3 6 0

CROWN LANDS.

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Date.	Place.						Country.	Suburban.		
			£ s.	£ s. d.		£ s. d.	a. r. p.	a. r. p.	£ s. d.	£ s. d.
1860.	May 1	Armidale	4 0	4 0 0	Francis Benedict Mulligan	0 3 0	3 0 0	£ s. d.
		Do	4 0	4 0 0	William Baldwin	.....	.....	0 3 0	3 0 0	
		Do	4 0	4 0 0	Do	.....	.....	0 3 0	3 0 0	
		Do	4 0	4 0 0	William Davis	.....	.....	1 1 0	5 0 0	
		Do	3 0	3 0 0	Theophilus Cooper	.....	.....	2 0 27	6 10 0	
	May 7	Deniliquin				2 10 0	5 3 32			
		Do				2 0 0	12 2 0			
		Do				2 0 0	18 1 0			
		Do				2 0 0	7 0 19			
		Do				2 0 0	8 1 24			
		Do				2 0 0	8 1 24			
		Do				2 0 0	8 1 24			
		Do				2 0 0	8 1 24			
		Do				1 5 0	45 0 0			
		Do				1 5 0	42 0 0			
		Do				1 5 0	45 0 0			
		Do				1 5 0	25 1 0			
		Do				1 5 0	29 0 0			
		Do				1 5 0	36 0 0			
		Do				1 5 0	31 0 0			
		Do				1 5 0	53 0 0			
		Do				2 0 0	8 1 24			
		Do				2 0 0	8 1 24			
		Do				2 0 0	8 1 24			
		Do				2 0 0	8 1 24			
		Do	1 5	1 5 0	William Simpson	.....	17 2 0	.....	21 17 6	
		Do				1 5 0	13 2 0			
		Do				1 5 0	15 0 0			
		Do				1 5 0	15 0 0			
		Do				1 5 0	28 3 20			
		Do				1 5 0	25 3 16			
		Do				1 5 0	42 0 0			
		Do				1 5 0	59 0 0			
		Do				1 5 0	48 0 0			
		Do				1 5 0	54 0 0			
		Do	3 0	3 12 0	William Herriott	.....	.....	2 3 26	10 9 9	
		Do	2 10	2 10 0	Do	.....	.....	5 0 0	12 10 0	
		Do	2 10	2 10 0	Do	.....	.....	6 1 0	15 12 6	
		Do				2 13 0	.....	6 1 0	.....	1 15 0
		Do				2 10 0	.....	6 1 0	.....
		Do				2 10 0	.....	6 1 0	.....
		Do				3 0 0	.....	4 1 20	.....
		Do				3 0 0	.....	3 3 0	.....
		Do	2 10	2 10 0	George Chapman Carter	.....	.....	5 0 0	.....
		Wagga Wagga	1 0	1 0 0	Thomas Hodges Mate	.....	140 0 0	.....	140 0 0	
		Do	1 0	1 0 0	Do	.....	121 0 0	.....	121 0 0	
		Do	1 0	1 0 0	Do	.....	129 0 0	.....	129 0 0	
		Do	1 0	1 0 0	Do	.....	150 0 0	.....	150 0 0	
		Do	1 0	1 0 0	Do	.....	97 0 0	.....	97 0 0	
		Do				1 0 0	52 0 0	.....	.....
		Do	1 0	1 0 0	Thomas Hodges Mate	.....	34 0 0	.....	.....
		Do	1 0	1 0 0	Do	.....	32 0 0	.....	.....
		Do	1 0	1 0 0	Do	.....	75 3 0	.....	.....
		Do	1 0	1 0 0	Do	.....	39 0 0	.....	.....
		Do	1 0	1 0 0	Do	.....	154 0 0	.....	.....
		Do	1 0	1 0 0	Do	.....	136 0 0	.....	.....
		Do	1 0	1 0 0	Do	.....	133 0 0	.....	.....
		Do	1 0	1 0 0	Do	.....	127 0 0	.....	.....
		Do	4 0	4 0 0	J. D. Thompson, junr.	.....	.....	1 1 21	5 10 6	
		Do	4 0	4 0 0	William Mumford	.....	.....	1 1 25	5 12 6	
		Do	4 0	11 0 0	William Clark	.....	.....	1 1 6	14 3 3	
		Do	4 0	5 0 0	J. D. Thompson, junr.	.....	.....	1 1 6	6 8 9	
		Do	4 0	10 12 0	Richard Wm. Young	.....	.....	1 1 20	13 16 5	
	May 10	Gundagai				1 0 0	28 3 31	.....	.....
		Do				1 0 0	37 0 0	.....	.....
		Do				1 0 0	50 3 0	.....	.....
		Do				1 0 0	40 3 0	.....	.....
		Do				1 0 0	67 0 0	.....	.....
		Do				1 0 0	39 1 0	.....	.....
		Do				1 0 0	31 1 0	.....	.....
		Do				1 0 0	32 0 0	.....	.....
		Do				1 0 0	41 1 0	.....	.....
		Do				1 0 0	32 2 0	.....	.....
		Do				1 0 0	71 0 0	.....	.....
		Do				1 0 0	77 0 0	.....	.....
		Do	1 0	1 0 0	George Mortimore	.....	32 3 0	.....	32 15 0	
		Do				1 0 0	29 1 35	.....	.....
		Do				1 0 0	47 1 0	.....	.....
		Do	1 0	1 0 0	John Wells	.....	136 0 0	.....	136 0 0	
		Do	1 0	1 0 0	James Nave, the younger	.....	130 0 0	.....	130 0 0	
		Do				1 0 0	135 0 0	.....	.....
		Do				1 0 0	126 0 0	.....	.....
		Do				1 0 0	109 1 0	.....	.....
		Do				1 0 0	118 0 0	.....	.....

CROWN LANDS.

Date and Place at which the Auction was held.		District in which the Lands were situated.	Upset price per acre of Land sold.	Prices per acre realized in each case.	Names of Purchasers.	Upset price per acre of lots sold, but for which the purchase money was not made good, or the deposit forfeited.	Names of Bidders.	Description of Land.		Amount realized.	Deposit forfeited.
Date.	Place.							Country.	Suburban.		
1860.			£ s.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
May 10.	Gundagai	Gundagai				1 0 0		139 0 0			
	Do	Do				1 0 0		65 1 0			
	Do	Do				1 0 0		56 2 0			
	Do	Do				1 0 0		45 2 0			
	Do	Do				1 0 0		52 0 0			
	Do	Do				1 0 0		61 2 0			
	Do	Do				1 0 0		80 0 0			
	Do	Do	1 0	1 0 0	James Franklin			87 0 0		87 0 0	
	Do	Do				1 0 0		55 2 0			
	Do	Do				1 0 0		67 0 0			
	Do	Do				1 0 0		75 0 0			
	Do	Do	1 0	1 0 0	David Johnston			71 0 0		71 0 0	
	Do	Do				1 0 0		70 2 0			
	Do	Do				1 0 0		57 0 0			
	Do	Do	1 0	1 0 0	David Johnston			79 0 0		79 0 0	
	Do	Do	1 0	1 0 0	Do			78 0 0		78 0 0	
	Do	Do				1 0 0		29 2 28			
	Do	Do	1 0	1 0 0	David Johnston			46 0 0		46 0 0	
	Do	Do	1 0	1 0 0	Do			57 0 0		57 0 0	
	Do	Do	1 0	1 0 0	Do			54 0 0		54 0 0	
	Do	Do	1 0	1 0 0	Do			46 0 0		46 0 0	
	Do	Do	1 0	1 0 0	Do			103 0 0		103 0 0	
	Do	Do				1 0 0		81 0 0			
	Do	Do				1 0 0		83 0 0			
	Do	Do				1 0 0		43 0 0			
	Do	Do	1 0	1 0 0	Edward Lewin			43 0 0		43 0 0	
	Do	Do				1 0 0		62 0 0			
	Do	Do				1 0 0		39 0 0			
	Do	Do	1 0	1 1 0	Thomas Lindley			58 0 0		60 18 0	
	Do	Do	1 0	1 7 0	Do			76 0 0		102 12 0	
	Do	Do	1 0	1 5 0	Do			85 0 0		106 5 0	
	Do	Do	1 0	1 0 0	Irwin Crain			64 0 0		64 0 0	
	Do	Do	1 0	1 0 0	Do			67 0 0		67 0 0	
May 22	Nelligen	Broulee	1 0	1 7 0	Charles M'Cawley			30 0 0		40 10 0	
	Do	Do	1 0	4 1 0	Do			41 0 0		186 11 0	
	Do	Do	1 0	2 0 0	Do			35 0 0		70 0 0	
	Do	Do				1 3 0	Tim. Donovan	28 2 0			3 6 0
	Do	Do				1 0 0		25 0 0			
	Do	Do				1 0 0		22 0 0			
	Do	Do	1 0	1 7 0	Sir William M. Manning			26 2 0		35 15 6	
	Do	Do				4 0 0	Tim. Donovan	22 0 0			8 16 0
	Do	Do	1 0	7 10 0	Robert M'Cawley			30 0 0		225 0 0	
	Do	Do	1 0	1 10 0	Samuel Henry Richardson			40 0 0		60 0 0	
	Do	Do				1 0 0		30 0 0			
	Do	Do				1 0 0		36 1 0			
	Do	Do				1 0 0		37 0 0			
	Do	Do				1 0 0		14 2 0			
	Do	Do				1 0 0		41 2 0			
May 23	Sydney	Sydney	1 0	2 0 0	Pierre Dutruc			25 3 0		51 10 0	
	Do	Do				1 0 0	John Woods	44 0 0			8 16 0
	Do	Do	20 3/4 ft.	20 3/4 foot	William Long				1 1 25 1/2	103 0 0	
May 31	Carcoar	Carcoar	1 0	1 0 0	James Flanagan			34 0 0		34 0 0	
	Do	Do	1 0	1 0 0	Wm. Lachlan Macquarie			50 0 0		60 0 0	
	Do	Do	1 0	1 0 0	Do			55 0 0		55 0 0	
	Do	Do	1 0	1 0 0	Do			47 0 0		47 0 0	
	Do	Do				1 0 0		310 0 0			
	Do	Do				1 0 0		20 1 24			
	Do	Do				1 0 0		42 0 0			
	Do	Do				1 0 0		42 0 0			
	Do	Do				1 0 0		45 2 0			
	Do	Do				1 0 0		38 1 0			
	Do	Do				1 0 0		26 0 32			
	Do	Do				1 0 0		28 2 33			
	Do	Do				1 0 0		32 3 0			
	Do	Do	1 0	1 0 0	William Purcell			45 2 0		45 10 0	
	Do	Do	1 0	1 0 0	William Millwood			39 2 0		39 10 0	
	Do	Do				1 0 0		27 0 0			
	Do	Do				1 0 0		55 3 0			
	Do	Do				1 0 0		41 3 0			
	Do	Do				1 0 0		32 1 0			
	Do	Do				1 0 0		32 2 0			
	Do	Do				1 0 0		32 1 0			
	Do	Do				1 0 0		33 3 0			
	Do	Do				1 0 0		36 0 0			
	Do	Do				1 0 0		36 0 0			
	Do	Do				1 0 0		30 0 0			
	Do	Do				1 0 0		30 0 0			
	Do	Do				1 0 0		36 0 0			
	Do	Do				1 0 0		36 0 0			
	Do	Do				1 0 0		45 0 0			
	Do	Do				1 0 0		45 0 0			
	Do	Do	1 0	1 0 0	Sarah Briggs			45 0 0		45 0 0	
	Do	Do	1 0	1 0 0	Do			42 1 0		42 5 0	

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Date.	Place.						Country.	Suburban.		
1860.			£ s.	£ s. d.			a. r. p.	a. r. p.	£ s. d.	£ s. d.
May 31	Carcoar	Carcoar								
	Do	Do								
	Do	Do	1 0	1 0 0	John Dennis Grant	.....	64 3 0	....	64 15 0	
	Do	Do					43 1 0			
	Do	Do					43 1 0			
	Do	Do					43 2 0			
	Do	Do					49 2 0			
	Do	Do					42 1 0			
	Do	Do					40 3 0			
	Do	Do					40 3 0			
	Do	Do					104 0 0			
	Do	Do					71 2 0			
	Do	Do					50 0 0			
	Do	Do					48 0 0			
	Do	Do					43 0 0			
	Do	Do	1 0	1 0 0	William Beddie	.....	28 1 0	....	28 5 0	
	Do	Do	1 0	1 0 0	Do	.....	27 3 0	....	27 15 0	
	Do	Do	1 0	1 0 0	John Kelly	.....	49 0 0	....	49 0 0	
	Do	Do	1 0	1 0 0	Do	.....	45 0 0	....	45 0 0	
	Do	Do					42 2 0			
	Do	Do					33 3 0			
	Do	Do					33 2 0			
	Do	Do					33 2 0			
	Do	Do					33 1 0			
	Do	Do					42 1 0			
	Do	Do					42 0 0			
	Do	Do	1 0	1 0 0	Thomas Mendham	.....	41 3 0	....	
	Do	Do					59 0 0	....	59 0 0	
	Do	Do					47 0 0			
	Do	Do					40 0 0			
	Do	Do					40 0 0			
	Do	Do	8 0	8 0 0	Edward Liddiard	.....	40 0 0			
	Do	Do				Edward Liddiard		1 2 0	12 0 0	
	Do	Do				Do		0 1 2		2 0 0
	Do	Do				Do		0 1 2		2 0 0
June 15	Bega	Eden	1 0	1 0 0	John Heydon	.....	163 0 0	....	163 0 0	
	Do	Do					113 0 0			
	Do	Do	1 0	1 0 0	Patrick Macnamara	.....	106 0 0	....	106 0 0	
	Do	Do					140 0 0			
	Do	Do					118 0 0			
	Do	Do					118 0 0			
	Do	Do					186 0 0			
	Do	Do	1 0	1 2 0	Henry Albert Nicholson	.....	103 0 0	....	113 6 0	
	Do	Do	1 0	1 4 0	Joseph Gleeson	.....	127 0 0	....	152 8 0	
	Do	Do	1 0	1 4 0	Do	.....	89 0 0	....	106 16 0	
	Do	Do	1 0	1 4 0	Do	.....	91 0 0	....	107 4 0	
	Do	Do					182 0 0			
	Do	Do					175 0 0			
	Do	Do	1 0	1 0 0	James Gee	.....	38 0 0	....	38 0 0	
	Do	Do	1 0	2 1 0	Do	.....	41 0 0	....	34 1 0	
	Do	Do	1 0	1 13 0	Do	.....	44 0 0	....	72 12 0	
	Do	Do	1 0	1 17 0	William Brice	.....	42 0 0	....	77 14 0	
	Do	Do	1 0	1 4 0	John Pruss	.....	63 0 0	....	75 12 0	
	Do	Do	1 0	2 18 0	Richard Rogers	.....	59 0 0	....	171 2 0	
	Do	Do	1 0	1 11 0	James George Gee	.....	83 2 0	....	129 8 6	
	Do	Do	2 10	6 15 0	Thomas Sutcliffe Mort	.....		5 0 0	33 15 0	
June 16	Braidwood	Braidwood					35 0 0			
	Do	Do					34 0 0			
	Do	Do					42 0 0			
June 18	Bathurst	Bathurst					51 2 0			
	Do	Do					30 1 0			
	Do	Do					41 1 0			
	Do	Do					31 3 0			
	Do	Do					58 3 0			
	Do	Do	1 0	1 0 0	William Armstrong	.....	39 2 0	....	39 10 0	
	Do	Do					11 1 2			
	Do	Do					33 2 0			
	Do	Do					44 3 0			
	Do	Do					43 0 0			
	Do	Do					33 0 0			
	Do	Do					29 3 16			
	Do	Do	1 0	1 0 0	William Armstrong	.....	32 0 0	....	32 0 0	
	Do	Do					32 3 0			
	Do	Do					30 1 0			
	Do	Do					30 3 0			
	Do	Do					30 0 0			
	Do	Do	1 0	1 0 0	John Delaney	.....	32 0 0	....	32 0 0	
	Do	Do					149 1 0			
	Do	Do	1 0	1 0 0	William Pettett	.....	46 0 0	....	46 0 0	
	Do	Do	1 0	1 0 0	Do	41 0 0	41 0 0	
	Do	Do	1 0	1 10 0	Do	38 0 0	57 0 0	
	Do	Do	1 0	1 0 0	Do	41 0 0	41 0 0	
	Do	Do	1 0	1 7 0	Do	44 0 0	59 8 0	

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Date.	Place.						Country.	Suburban.		
1860.	June 18.	Bathurst	£ s.	£ s. d.		£ s. d.	a. r. p.	a. r. p.	£ s. d.	£ s. d.
		Bathurst	1 0	1 12 0	William Pettett	38 0 0	60 16 0	
		Do	1 0	1 0 0	Jacob Barnes ..	.....	44 0 0	.....	44 0 0	
		Do				1 0 0	40 2 0			
		Do				1 0 0	46 2 0			
		Do				1 0 0	37 2 0			
		Do				1 0 0	48 2 0			
		Do	1 0	1 0 0	Jacob Barnes ..	.....	40 0 0	.....	40 0 0	
		Do				1 0 0	44 3 20			
		Do				1 0 0	44 0 0			
		Do				1 0 0	43 1 8			
		Do				1 0 0	46 0 0			
		Do	4 0	4 0 0				1 0 8		
		Do	4 0	4 0 0				1 0 32		
		Nowra				1 0 0	86 0 0			
		Do				1 0 0	86 0 0			
		Do				1 0 0	108 0 0			
		Do				1 0 0	88 0 0			
		Do				1 0 0	89 0 0			
		Do				1 0 0	84 1 0			
		Do				1 0 0	65 0 0			
		Do				1 0 0	61 0 0			
		Do				1 0 0	55 0 0			
		Do				1 0 0	53 0 0			
		Do				1 0 0	82 2 0			
		Do				1 0 0	82 3 0			
		Do				1 0 0	82 0 0			
		Do				1 0 0	82 0 0			
		Do				1 0 0	82 3 0			
		Do				1 0 0	78 3 0			
		Do				1 0 0	79 3 0			
		Do				1 0 0	79 3 0			
		Do				1 0 0	123 0 0			
		Do				1 0 0	111 1 0			
		Do				1 0 0	105 2 0			
		Do				1 0 0	89 0 0			
		Do				1 0 0	83 0 0			
		Do				1 0 0	92 0 0			
		Do				1 0 0	109 0 0			
		Do				1 0 0	83 0 0			
		Do				1 0 0	83 0 0			
		Do				1 0 0	103 0 0			
		Do				1 0 0	110 0 0			
		Do				1 0 0	38 2 0			
		Do				1 0 0	92 0 0			
		Do				1 0 0	114 0 0			
		Do				1 0 0	102 0 0			
		Do				1 0 0	69 0 0			
		Do				1 0 0	54 1 0			
		Do				1 0 0	49 0 0			
		Do				1 0 0	46 3 0			
		Do				1 0 0	70 3 0			
		Do				1 0 0	65 3 0			
		Do				1 0 0	65 2 0			
		Do				1 0 0	67 2 0			
		Do				1 0 0	160 0 0			
		Do				1 0 0	85 2 0			
		Do				1 0 0	88 0 0			
		Do				1 0 0	70 0 0			
		Do				1 3 0	99 0 0			
		Singleton				1 0 0	100 0 0			
		Do			George Brooker ..	.....			9 3 8	
		Do				4 0 0			8 1 24	
		Do				4 0 0			10 0 0	40 0 0
		Do	4 0	4 0 0	James Ross ..	.....			6 0 0	24 0 0
		Do	4 0	4 0 0	John Cobcroft ..	.....			5 3 18	23 9 0
		Do	4 0	4 0 0	Do ..	.....			5 3 16	23 5 0
		Do	4 0	4 0 0	Do ..	.....			5 2 32	22 16 0
		Do	4 0	4 0 0	Do ..	.....			5 3 15	23 7 6
		Do	4 0	4 0 0	Do ..	.....			5 0 0	20 0 0
		Do	4 0	4 0 0	Do ..	.....			5 0 0	20 0 0
		Do	4 0	4 0 0	Do ..	.....			5 0 6	20 0 3
		Do				4 0 0			5 0 0	
		Do				4 0 0			5 0 0	
		Do	4 0	4 0 0	John Cobcroft ..	.....			4 0 8	16 4 0
		Do				4 0 0			5 0 0	
		Do				4 0 0			5 0 0	
		Do				4 0 0			5 0 0	
		Do	4 0	4 0 0	Stratford Hartigan			0 2 0	2 0 0
		Do	4 0	4 0 0	Do			0 2 0	2 0 0
		Do				4 0 0			0 2 0	
		Do				4 0 0			0 2 0	
		Do				4 0 0			0 2 0	

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Date and Place at which the Auction was held.		District in which the Lands were situated.	Upset price per acre of Land sold.	Prices per acre realized, in each case.	Names of Purchasers.	Upset price per acre of lot put in or withdrawn, if purchase money was not made good, or the deposit forfeited.	Names of Bidders.	Description of Land.		Amount realized.	Deposit forfeited.
Date.	Place.							Country.	Suburban.		
1860.											
June 19	Port Macquarie	Port Macquarie	£ s.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
	Do	Do				1 0 0		56 0 0			
	Do	Do				1 0 0		42 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		38 0 0			
	Do	Do				1 0 0		35 2 0			
	Do	Do				1 0 0		19 2 0			
	Do	Do				1 0 0		19 2 0			
	Do	Do				1 0 0		22 2 0			
	Do	Do				1 0 0		22 2 0			
	Do	Do				1 0 0		24 3 0			
	Do	Do				1 0 0		29 2 24			
	Do	Do				1 0 0		26 2 0			
	Do	Do				1 10 0		9 2 10			
	Do	Do				1 10 0		8 0 0			
	Do	Do				1 10 0		10 0 0			
	Do	Do				1 10 0		10 0 0			
	Do	Do				1 10 0		7 1 0			
	Do	Do				1 10 0		12 1 20			
	Do	Do				1 10 0		12 0 0			
	Do	Do				1 10 0		10 0 0			
	Do	Do				1 10 0		10 0 0			
	Do	Do				1 10 0		10 0 0			
	Do	Do				1 10 0		10 0 0			
	Do	Do				2 10 0		10 0 0			
	Do	Do				3 10 0		10 0 0	5 0 0		
	Do	Do				3 10 0		10 0 0	4 2 0		
	Rylstone	Rylstone				1 10 0	Joseph Taylor ..	5 0 4			0 15 1
	Do	Do				1 10 0		5 0 4			
	Do	Do				1 10 0		5 0 4			
	Do	Do				1 10 0		5 0 4			
	Yass	Yass	1 0	1 0 0	Thomas Carroll ..	.....	.....	95 0 0	.....	95 0 0	
	Do	Do	1 0	1 0 0	Thomas Tannan ..	.....	.....	99 0 0	.....	99 0 0	
	Do	Do	1 0	1 0 0	William Jones ..	.....	.....	41 0 0	.....	41 0 0	
	Do	Do	1 0	1 0 0	Norman M'Gillies ..	.....	.....	40 0 0	.....	40 0 0	
	Do	Do	1 0	1 0 0	R. Walsh, jun., & P. Walsh ..	.....	.....	30 0 0	.....	30 0 0	
	Do	Do				3 0 0	R. Walsh, jun., & P. Walsh ..	30 0 0	.....		9 0 0
	Do	Do	1 0	1 0 0	Alexander Abbey ..	.....	.....	40 0 0	.....	40 0 0	
	Do	Do	1 0	1 0 0	Margaret Jones ..	.....	.....	32 0 0	.....	32 0 0	
	Do	Do	1 0	1 0 0	Alexander Abbey ..	.....	.....	26 0 0	.....	26 0 0	
	Do	Do	1 0	1 0 0	Do ..	.....	.....	23 0 0	.....	23 0 0	
	Do	Do	1 0	1 0 0	Michael Flannagan ..	.....	.....	31 0 0	.....	31 0 0	
	Do	Do	1 0	1 0 0	Alexander Abbey ..	.....	.....	32 0 0	.....	32 0 0	
	Do	Do				3 0 0	Michael Costolo ..	32 0 0	.....		9 12 0
	Do	Do				3 12 0	Do ..	28 3 0	.....		10 7 0
	Do	Do				8 0 0	Do ..	40 0 0	.....		32 0 0
	Do	Do				3 1 0	Martin Tully ..	31 0 0	.....		9 9 3
	Do	Do				3 2 0	Do ..	36 0 0	.....		11 3 8
	Do	Do				4 0 0	Do ..	29 2 0	.....		11 16 0
	Do	Do	1 0	1 0 0	Patrick Jannan ..	.....	.....	34 0 0	.....	34 0 0	
	Do	Do	1 0	1 0 0	Do ..	.....	.....	25 2 0	.....	25 10 0	
	Do	Do	1 0	1 0 0	Richard Glanville ..	.....	.....	29 3 0	.....	29 15 0	
	Do	Do	1 0	1 0 0	James Devitt ..	.....	.....	65 0 0	.....	65 0 0	
	Do	Do				3 1 0	James Hammond ..	33 0 0	.....		10 1 4
	Do	Do				4 0 0	Martin Tully ..	49 0 0	.....		19 12 0
	Do	Do	1 0	1 0 0	John Donnelly ..	.....	.....	238 0 0	.....	238 0 0	
	Do	Do	1 0	2 0 0	Do ..	.....	.....	34 0 0	.....	68 0 0	
	Do	Do				4 0 0			1 1 8		
	Do	Do				4 0 0			1 1 8		
	Do	Do				4 0 0			1 1 8		
	Do	Do				4 0 0			1 1 8		
	Do	Do				4 0 0			1 1 8		
	Do	Do				4 0 0			1 1 8		
	Do	Do				4 0 0			1 1 8		
	Do	Do				4 0 0			1 1 8		
	Do	Do				4 0 0			1 1 8		
	Do	Do				4 0 0			1 1 8		
	Do	Do				4 0 0			1 1 8		
	Do	Do	4 0	4 0 0	James Grovenor ..	.....	.....	.....	1 1 8	5 4 0	
	Do	Do	4 0	4 0 0	Do ..	.....	.....	.....	1 1 8	5 4 0	
June 20	Hartley	Hartley				1 0 0	Jeremiah Nunan ..	30 0 0	.....		3 0 0
	Do	Do				1 0 0	Do ..	30 0 0	.....		3 0 0
	Do	Do				1 0 0		40 0 0	.....	
	Do	Do				1 0 0		30 0 0	.....	
	Do	Do				1 0 0		30 0 0	.....	
	Do	Do				1 0 0		40 0 0	.....	
	Do	Do				1 0 0	Jeremiah Nunan ..	62 0 0	.....		6 4 0
	Do	Do				1 0 0		40 0 0	.....	
	Do	Do				1 0 0	John Nunan ..	35 0 0	.....		3 10 0
	Do	Do	1 0	1 0 0	John O'Neil ..	.....	.....	31 0 0	.....	31 0 0	
	Do	Do	1 0	1 0 0	John Douglas	30 0 0	30 0 0	
	Do	Do				1 0 0		37 3 0		
	Do	Do				1 0 0		40 0 0		
	Do	Do				1 0 0		27 2 16		

CROWN LANDS.

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Date.	Place.							Country.	Suburban.		
1860.											
June 29	Wagga Wagga	Wagga Wagga	£ s.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
	Do	Do				1 0 0		68 2 0			
	Do	Do				1 0 0		78 2 0			
	Do	Do	1 0	1 0 0	Jeremiah Rogers ..	1 0 0		104 0 0	....	104 0 0	
	Do	Do	1 0	1 0 0	Mary Ann Smyth ..	1 0 0		127 2 0	....	127 10 0	
	Do	Do				1 0 0		246 0 0			
	Do	Do				1 0 0		236 0 0			
	Do	Do				1 0 0		250 0 0			
	Do	Do				1 0 0		310 0 0			
	Do	Do				1 0 0		198 0 0			
	Do	Do				1 0 0		165 0 0			
	Do	Do	1 0	1 0 0	John Halbisch ..	1 0 0		56 2 0	....	56 10 0	
	Do	Do				1 0 0		56 0 0			
	Do	Do				1 0 0		56 0 0			
	Do	Do	1 0	1 0 0	Robert King ..	1 0 0		41 0 0	....	41 0 0	
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		41 2 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		183 1 0			
	Do	Do				1 0 0		320 0 0			
	Do	Do				1 0 0		237 0 0			
	Do	Do				1 0 0		292 0 0			
June 30	Glen Innes	Wellingrove	1 0	1 0 0	Charles Campbell ..	1 0 0		38 0 0	....	38 0 0	
	Do	Do	1 0	1 0 0	Ann Devlin ..	1 0 0		38 2 0	....	38 10 0	
	Do	Do	1 0	1 3 0	James Devlin ..	1 0 0		38 2 0	....	44 5 6	
	Do	Do	1 0	1 3 0	Robert Hutton ..	1 0 0		38 2 0	....	44 5 6	
	Do	Do				1 0 0	Samuel O'Hara	38 2 0			3 17 0
	Do	Do				1 0 0		38 2 0			
	Do	Do				1 0 0		38 2 0			
	Do	Do	1 0	1 0 0	Alfred Wilkins ..	1 0 0		45 0 0	....	45 0 0	
	Do	Do	1 0	1 0 0	Do ..	1 0 0		43 0 0	....	43 0 0	
	Do	Do				1 0 0		53 0 0			
	Do	Do				1 0 0		56 0 0			
	Do	Do				1 0 0		52 0 0			
	Do	Do				2 10 0		52 0 0			
	Do	Do				2 10 0			5 0 0		
	Do	Do				4 0 0			5 0 0		
	Do	Do				4 0 0			4 0 0		
	Do	Do	3 0	3 0 0	John Handley ..	3 0 0			3 0 0	9 0 0	
	Do	Do	3 0	3 0 0	Laughlin Curry ..	3 0 0			3 0 0	9 0 0	
	Do	Do	3 0	3 0 0	Lucie Ann Wyatt ..	3 0 0			3 0 0	9 0 0	
	Do	Do				2 10 0			6 0 0		
	Do	Do				2 10 0			5 0 0		
	Do	Do	3 0	3 0 0	Glen Innes Free Presby- terian Church.	3 0 0			3 0 0	9 0 0	
	Do	Do	3 0	3 0 0	George Sellick ..	3 0 0			3 2 0	10 10 0	
	Do	Do	3 0	3 0 0	Christopher West ..	3 0 0			4 0 0	12 0 0	
	Do	Do	3 0	3 0 0	Samuel Regan ..	3 0 0			3 0 0	9 0 0	
	Do	Do	3 0	3 0 0	Do ..	3 0 0			3 0 0	9 0 0	
	Do	Do				3 0 0			4 1 0		
	Do	Do				3 0 0			4 1 0		
	Do	Do				2 10 0			5 5 0		
	Do	Do				2 10 0			5 0 0		
	Do	Do	3 0	3 0 0	William Grieve ..	3 0 0	Robert P. Simes		3 0 0	9 0 0	0 18 0
	Do	Do				3 0 0			4 0 0		
	Do	Do	3 0	3 0 0	John Clark ..	3 0 0			3 0 0	9 0 0	
	Do	Do	3 0	3 0 0	Do ..	3 0 0			3 0 0	9 0 0	
	Do	Do				2 10 0			6 0 0		
	Do	Do				2 10 0			6 0 0		
	Do	Do				3 0 0			3 0 0		
	Do	Do				3 0 0			3 0 0		
	Do	Do				3 0 0			3 0 0		
	Do	Do				3 0 0			6 0 0		
	Do	Do				3 0 0			6 0 0		
	Do	Do				2 10 0			6 0 0		
	Do	Do				2 10 0			2 0 0	9 0 0	
	Do	Do	3 0	3 0 0	William Quinlan ..	3 0 0			3 0 0		
	Do	Do				3 0 0			4 0 0		
	Do	Do				3 0 0			4 0 0		
	Do	Do				2 10 0			8 0 0		
July 3	Bathurst	Bathurst	1 0	1 0 0	Mary Carroll ..	1 0 0		40 0 0	....	40 0 0	
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do	1 0	1 0 0	Edward Gell ..	1 0 0		33 3 0	....	33 15 0	
	Do	Do				2 0 0		65 0 0			
	Do	Do				2 0 0			22 0 38		
	Do	Do	2 0	2 0 0	James Stirling Home ..	2 0 0			24 1 11	48 12 9	
	Do	Do	2 10	2 10 0	Do ..	2 0 0			12 0 0	30 0 0	
	Do	Do				2 0 0			18 0 0		
	Do	Do				2 0 0			18 1 11		
	Do	Do	3 0	3 0 0	Alfred John Pechey ..	3 0 0			3 3 3	11 5 0	
	Do	Do	3 0	4 2 6	Do ..	3 0 0			3 3 3	15 9 5	

CROWN LANDS.

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Date.	Place.							Country.	Suburban.		
			£ s.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
1860.											
July 11	Tumut	Tumut				1 0 0		162 0 0			
	Do	Do				1 0 0		322 0 0			
	Do	Do				1 0 0		179 0 0			
	Do	Do				1 0 0		85 0 0			
	Do	Do	1 0	1 0 0	A. and R. Rankin	1 0 0		155 0 0	....	165 0 0	
	Do	Do				1 0 0		162 0 0			
	Do	Do				1 0 0		162 0 0			
	Do	Do				1 0 0		130 2 0			
	Do	Do				1 0 0		80 2 0			
	Do	Do				1 0 0		80 2 0			
	Do	Do	1 0	4 0 0	John and George Rankin	1 0 0		110 0 0	....	320 0 0	
	Do	Do				1 0 0		80 0 0			
	Do	Do				1 0 0		161 0 0			
	Do	Do	1 0	1 14 0	A. and R. Rankin	1 0 0		161 0 0	....	108 16 0	
	Do	Do	1 0	1 5 0	Do	1 0 0		64 0 0	....	97 10 0	
	Do	Do				1 0 0		78 0 0	....	
	Do	Do				1 0 0		160 2 0			
July 12	Boorowa	Binalong	4 0	7 10 0	John Dillon	....		....	1 0 0	7 10 0	
	Do	Do	4 0	4 0 0	Irvine Crane	....		....	1 0 0	4 0 0	
	Do	Do	4 0	4 0 0	James H. Butchart	....		....	1 0 0	4 0 0	
	Do	Do	4 0	4 0 0	Miles Murphy	....		....	1 0 0	4 0 0	
	Do	Do	4 0	4 0 0	Do	....		....	1 0 0	4 0 0	
	Gosford	BrisbaneWater				1 0 0		54 0 0			
	Do	Do				1 0 0		30 3 0			
	Do	Do				1 0 0		30 3 0			
	Do	Do				1 0 0		30 3 0			
	Do	Do				1 0 0		30 3 0			
	Do	Do				1 0 0		44 0 0			
	Do	Do				1 0 0		32 0 0			
	Do	Do				1 0 0		32 0 0			
	Do	Do				2 10 0		46 0 0			
	Do	Do				2 10 0		5 2 28			
	Do	Do	2 10	2 10 0	Samuel Coulter	....		5 2 28	....	14 3 9	
	Do	Do				1 5 0		21 2 26			
	Do	Do				2 10 0		7 3 12			
	Do	Do				2 10 0		7 3 12			
	Do	Do	8 0	8 0 0	Henry Hunter Lane	....		0 2 18		4 18 0	
	Do	Do				2 10 0		10 1 1			
	Do	Do				2 10 0		10 0 1			
	Do	Do				8 0 0		0 2 18			
	Do	Do				8 0 0		0 2 18			
	Do	Do				8 0 0		0 2 18			
	Do	Do	2 0	2 10 0	John Kerns	....		0 2 18			
	Do	Do				2 10 0		8 0 16		20 5 0	
	Do	Do				2 10 0		11 0 0			
	Do	Do				2 10 0		10 0 0			
	Do	Do				2 10 0		8 3 0			
	Do	Do				2 10 0		8 3 0			
	Do	Do	4 0	4 0 0	William Donnelly	....		14 0 15			
	Do	Do				3 0 0		2 3 12		11 6 0	
	Do	Do				3 0 0		2 2 0			
	Do	Do				3 0 0		2 2 0			
	Do	Do				3 0 0		2 2 0			
	Do	Do				3 0 0		2 2 0			
	Do	Do				3 0 0		2 1 0			
	Do	Do				4 0 0		2 1 9			
	Do	Do				4 0 0		3 0 18			
	Do	Do				4 0 0		2 2 0			
	Do	Do				4 0 0		3 1 0			
	Do	Do				4 0 0		1 1 22			
	Do	Do				4 0 0		1 1 24			
	Do	Do				3 0 0		2 2 0			
	Do	Do				3 0 0		2 2 0			
	Do	Do				3 0 0		2 2 0			
July 13	Albury	Albury				1 0 0		141 2 0			
	Do	Do				8 0 0		4 0 30			
	Do	Do	8 0	8 0 0	William Wise	....		3 0 0		24 0 0	
	Do	Do				8 0 0		3 3 28			
July 16	Hay	Balranald	4 0	4 0 0	John Downie	....		1 0 0		4 0 0	
	Do	Do	4 0	4 0 0	Do	....		1 0 0		4 0 0	
	Do	Do	4 0	4 0 0	Robert Neilson	....		1 0 0		4 0 0	
	Do	Do	4 0	4 0 0	Elliott Charles Randall	....		1 0 0		4 0 0	
	Do	Do	4 0	4 0 0	Do	....		1 0 0		4 0 0	
	Do	Do	4 0	4 0 0	Matthew Palmer	....		1 0 0		4 0 0	
	Do	Do	4 0	4 10 0	Do	....		1 0 0		4 0 0	
	Do	Do	4 0	4 0 0	Elliott Charles Randall	....		1 0 0		4 0 0	
	Do	Do	4 0	4 0 0	Do	....		1 0 0		4 0 0	
	Do	Do	4 0	4 0 0	Robert Neilson	....		1 0 0		4 0 0	
	Do	Do	4 0	4 0 0	John Downie	....		1 0 0		4 0 0	
	Do	Do	4 0	6 10 0	Do	....		1 0 0		6 10 0	
	Do	Do				4 0 0	James Markey	1 0 0			1 0 0
	Do	Do				4 0 0	Do	1 0 0			1 0 0
	Do	Do	4 0	4 0 0	John Ward	....		1 0 0		4 0 0	
	Do	Do	4 0	5 0 0	Francis Palmer	....		1 0 0		5 0 0	
	Do	Do	4 0	4 0 0	Charles Edwards		1 0 0		4 0 0	
	Do	Do	4 0	4 0 0	Thomas Coultts Morison		1 0 0		4 0 0	

CROWN LANDS.

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Date.	Place.						Country.	Suburban.		
1860.	July 16	Hay	£ s.	£ s. d.	£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
		Balnald	4 0	4 0 0	Edward Cunningham		1 0 0	1 0 0	4 0 0	
		Do	4 0	4 0 0	Do		1 0 0	1 0 0	4 0 0	
		Do	4 0	4 0 0	Thomas Swan		1 0 0	1 0 0	4 0 0	
		Do	4 0	4 0 0	Michael W. Cunningham		1 0 0	1 0 0	4 0 0	
		Do	4 0	5 0 0	Do		1 0 0	1 0 0	4 0 0	
		Do	4 0	5 0 0	Edward Cunningham		1 0 0	1 0 0	5 0 0	
		Do	4 0	8 0 0	Charles Edwards		1 0 0	1 0 0	8 0 0	
		Do	4 0	4 10 0	William Lang		1 0 0	1 0 0	4 10 0	
		Do	4 0	4 0 0	John Ward		1 0 0	1 0 0	4 0 0	
		Do	4 0	5 0 0	Do		1 0 0	1 0 0	5 0 0	
		Do	4 0	4 0 0	Thomas Simpson		1 0 0	1 0 0	4 0 0	
		Do	4 0	4 0 0	Do		1 0 0	1 0 0	4 0 0	
		Do	4 0	4 10 0	Michael W. Cunningham		1 0 0	1 0 0	4 10 0	
		Do	4 0	4 0 0	Anne Bradley		1 0 0	1 0 0	4 0 0	
		Do	4 0	4 0 0	Eliza Agnes Bradley		1 0 0	1 0 0	4 0 0	
		Do	4 0	4 0 0	John Downie		1 0 0	1 0 0	4 0 0	
		Do	4 0	4 0 0	Do	James Watson	1 0 0	1 0 0	4 0 0	0 8 0
		Do	4 0	7 12 6	G. Dorward & T. E. Blewett		1 0 0	1 0 0	7 12 6	
		Do	4 0	5 10 0	Alexander B. S. Neilson		1 0 0	1 0 0	5 10 0	
		Do	4 0	4 10 0	Robert Smith		1 0 0	1 0 0	4 10 0	
		Do	4 0	4 0 0	Thomas Parish Fenner		1 0 0	1 0 0	4 0 0	
		Do	4 0	4 0 0	Mathew Palmer		1 0 0	1 0 0	4 0 0	
		Do	4 0	8 0 0	Thomas Sciffen		1 0 0	1 0 0	8 0 0	
		Do	4 0	11 15 0	John Downie		1 0 0	1 0 0	11 15 0	
		Do	4 0	15 0 0	Henry Leonard		1 0 0	1 0 0	15 0 0	
		Do	4 0	15 0 0	Do		1 0 0	1 0 0	15 0 0	
		Do	4 0	12 0 0	Do		1 0 0	1 0 0	12 0 0	
		Do	4 0	4 10 0	William Leahy Echlin		1 0 0	1 0 0	4 10 0	
		Do	4 0	4 10 0	Do		1 0 0	1 0 0	4 10 0	
		Do	4 0	5 0 0	John Downie		1 0 0	1 0 0	5 0 0	
		Do	4 0	7 0 0	Henry Leonard		1 0 0	1 0 0	7 0 0	
		Do	4 0	5 0 0	Do		1 0 0	1 0 0	5 0 0	
		Do	4 0	5 0 0	Do		1 0 0	1 0 0	5 0 0	
		Do	4 0	4 0 0	Mathew Palmer		1 0 0	1 0 0	4 0 0	
		Do	4 0	9 10 0	Henry Shiell		1 0 0	1 0 0	9 10 0	
		Do	4 0	10 17 6	Do		1 0 0	1 0 0	10 17 6	
		Do	4 0	4 17 6	John Innes		1 0 0	1 0 0	4 17 6	
		Do	4 0	5 0 0	Henry Leonard		1 0 0	1 0 0	5 0 0	
		Do	4 0	11 5 0	Do		1 0 0	1 0 0	11 5 0	
		Do	4 0	11 0 0	Do		1 0 0	1 0 0	11 0 0	
		Do	4 0	12 17 6	Elliott Charles Randell		1 0 0	1 0 0	12 17 6	
July 18	Eden	Eden	1 0	1 0 0	John Slattery		46 0 0	48 0 0	48 0 0	
	Do	Do	1 0	1 0 0	George Martin		76 0 0	85 0 0	85 0 0	
	Do	Do	1 0	1 0 0	James Love		87 0 0	87 0 0	87 0 0	
	Do	Do	1 0	1 0 0	Do		78 0 0	78 0 0	78 0 0	
	Do	Do	3 0	21 0 0	Edmund Henriques		63 0 0	63 0 0	63 0 0	
	Do	Do	3 0	12 6 0	Do	T. C. Thomas	2 2 0	52 10 0	52 10 0	2 12 1
	Do	Do	3 0	11 15 0	William Pie		2 0 20	24 19 5	24 19 5	
	Do	Do	3 0	12 10 0	William Shaw		2 0 20	26 11 3	26 11 3	
	Do	Do	3 0	15 0 0	Do		2 0 20	31 17 6	31 17 6	
	Do	Do	3 0	17 10 0	Robert Crowdace Joplin	James Johnston	2 2 0	43 15 0	43 15 0	5 2 6
	Do	Do	3 0	30 10 0	William Ferguson	David Johnston	2 2 0	76 5 0	76 5 0	7 0 0
	Do	Do	3 0	32 5 0	William Shaw		2 2 0	80 12 6	80 12 6	
	Nelligen	Bronlee	1 0	1 0 0	Do		39 0 0	40 0 0	40 0 0	
	Do	Do	1 0	1 0 0	Do		43 0 0	43 0 0	43 0 0	
	Do	Do	1 10	1 10 0	Do		19 0 0	19 0 0	19 0 0	
	Do	Do	1 10	1 10 0	Do		15 1 0	15 1 0	15 1 0	
	Do	Do	1 10	1 10 0	Do		10 0 0	10 0 0	10 0 0	
	Do	Do	1 10	7 0 0	Edye Manning		10 0 0	70 0 0	70 0 0	
	Do	Do	2 0	7 10 0	Edye Manning		9 0 12	12 0 0	12 0 0	
	Do	Do	2 0	9 0 0	Do		15 0 0	112 10 0	112 10 0	
	Do	Do	1 10	1 10 0	Do		3 1 27	30 15 6	30 15 6	
	Do	Do	1 10	1 10 0	Do		5 1 24	9 12 0	9 12 0	
	Do	Do	1 10	1 10 0	Do		18 3 1			
	Do	Do	1 10	1 10 0	Do		4 2 13			
	Do	Do	2 0	2 0 0	Do		4 0 36			
	Do	Do	2 0	2 0 0	Do		5 3 24			
	Do	Do	2 0	2 0 0	Do		6 0 24			
	Do	Do	2 0	2 0 0	Do		5 2 24			
	Do	Do	2 0	2 0 0	Do		5 2 28			
	Do	Do	2 0	2 0 0	Henry Manning		3 2 33	7 3 3	7 3 3	
	Do	Do	2 0	2 0 0	Do		3 1 16	6 14 0	6 14 0	
	Do	Do	2 0	3 1 0	Do		1 3 15	5 12 6	5 12 6	
	Do	Do	1 10	1 10 0	Do		10 1 0			
	Do	Do	1 10	1 10 0	Do		10 0 33			
	Do	Do	1 10	1 10 0	Do		10 1 6			

CROWN LANDS.

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Date.	Place.						Country.	Suburban.		
1860.										
July 18	Nolligen	Broulee	£ s.	£ s. d.			a. r. p.	a. r. p.	£ s. d.	£ s. d.
	Do	Do			Miles Rash. Richardson..		10 0 37			
	Do	Do			Henry Manning ..		5 3 20			
	Do	Do			James McMillan ..		10 0 26			
	Do	Do			Do		4 3 25			
	Do	Do			George Wright ..		10 0 0			
	Do	Do			Do		7 1 35			
	Do	Do			Do		10 1 34			
	Do	Do			Do		10 0 0			
	Do	Do	2 0	2 6 0			12 1 0		28 3 6	
	Do	Do	8 0	8 0 0				0 1 21	4 1 0	
	Do	Do	8 0	8 0 0				0 1 26	3 6 0	
	Do	Do	8 0	8 0 0				0 1 29	3 9 0	
	Do	Do	8 0	8 0 0				0 1 32	3 12 0	
	Do	Do	8 0	8 0 0				0 1 33	3 18 0	
	Do	Do	8 0	8 0 0				0 1 34	3 14 0	
	Do	Do						0 1 34		
	Do	Do						0 1 32		
	Do	Do						0 1 32		
	Do	Do						0 1 30		
	Do	Do						0 1 35		
	Do	Do						0 1 30		
	Do	Do						0 1 29		
	Do	Do						0 1 28		
	Do	Do						0 1 27		
	Do	Do	8 0	8 0 0	Sir Wm. M. Manning ..			0 3 11	6 11 0	
	Do	Do						0 3 23		
	Do	Do						0 3 28		
	Do	Do	8 0	8 0 0	John Rixon ..			0 3 28	10 5 0	
	Do	Do	8 0	8 0 0	Do			0 3 25	12 0 0	
	Do	Do	8 0	8 0 0	Do			0 3 19	17 5 0	
	Do	Do	8 0	8 0 0	Miles Rash. Richardson..			0 3 14	18 0 0	
	Do	Do						1 1 18		
	Do	Do						1 2 0		
	Do	Do						1 2 0		
	Do	Do						1 3 5		
	Do	Do						0 2 19		
	Do	Do						0 2 37		
	Do	Do	8 0	8 0 0	George Wright ..			0 3 18	7 0 0	
	Do	Do	8 0	8 0 0	Sir Wm. M. Manning ..			0 3 32	7 12 0	
	Do	Do	4 0	4 0 0	Do			1 0 20	4 10 0	
	Do	Do	4 0	4 0 0	Do			1 0 0	4 0 0	
	Do	Do	4 0	4 0 0	Do			1 3 8	7 4 0	
	Mudgec	Mudgec					52 0 0			
	Do	Do					38 0 0			
	Do	Do	1 0	1 0 0	William Bowman ..		22 0 0		22 0 0	
	Do	Do	1 0	1 0 0	Do		49 0 0		49 0 0	
	Do	Do					26 0 0			
	Do	Do					59 0 0			
	Do	Do					48 0 0			
	Do	Do	1 0	1 0 0	William Bowman ..		44 0 0		44 0 0	
	Do	Do	1 0	1 0 0	Do		32 0 0		32 0 0	
	Do	Do	1 0	1 0 0	Thomas Cadell ..		40 0 0		40 0 0	
	Do	Do	1 0	1 0 0	Do		46 0 0		46 0 0	
	Do	Do					48 0 0			
	Do	Do					42 0 0			
	Do	Do					46 0 0			
	Do	Do					43 0 0			
	Do	Do					41 0 0			
	Do	Do					41 0 0			
	Do	Do					30 1 0			
	Do	Do					32 0 0			
	Do	Do					35 3 0			
	Do	Do					35 2 0			
	Do	Do	1 0	1 0 0	Myles Hartte Lyons ..		48 1 0		48 5 0	
	Do	Do	1 0	1 0 0	Do		37 2 0		37 10 0	
	Do	Do	1 0	1 0 0	Do		37 3 0		37 15 0	
	Do	Do	1 0	1 0 0	John Alex. Horatio Price		41 2 0		41 10 0	
	Do	Do	1 0	1 0 0	Do		48 3 0		48 15 0	
	Do	Do					59 0 0			
	Do	Do	1 0	1 0 0	John Alex. Horatio Price		30 0 0		30 0 0	
Aug. 7	Goulburn	Goulburn	1 0	1 0 0	John Gorman ..		52 0 0		52 0 0	
	Do	Do	1 0	1 0 0	Do		50 0 0		50 0 0	
	Do	Do	1 0	1 0 0	Philip Jamieson ..		88 0 0		88 0 0	
	Do	Do	1 0	1 0 0	Do		59 0 0		59 0 0	
	Do	Do	1 0	1 0 0	John Warn ..		40 2 0		40 10 0	
	Do	Do					44 0 0			
	Do	Do	1 0	1 0 0	John Warn ..		41 1 0		41 5 0	
	Do	Do	1 0	1 0 0	Do		41 1 0		41 5 0	
	Do	Do	1 0	1 0 0	Do		34 2 0		34 10 0	
	Do	Do	1 0	1 0 0	Do		35 2 0		35 10 0	
	Do	Do					35 0 0			

CROWN LANDS.

Date and Place at which the Auction was held.		District in which the Lands were situated.	Upset price per acre of Land sold.	Prices per acre realized in each case.	Names of Purchasers.	Names of Bidders.	Description of Land.		Amount realized.	Deposit forfeited.	
Data.	Place.						Country.	Suburban.			
1860. Aug. 7	Goulburn	Goulburn	£ 1 0	3 0 0	James M'Cabe	.....	a. r. p.	a. r. p.	£ 132 0 0	£ s. d.
	Do	Do	1 0	2 5 0	Do	.....	30 0 0	.....	67 10 0	
	Do	Do	1 0	3 0 0	James Ghisholm	.....	40 0 0	.....	120 0 0	
	Do	Do	1 0	2 10 0	Do	.....	30 0 0	.....	75 0 0	
	Do	Do	1 0	1 0 0	John Mahon	.....	78 0 0	.....	78 0 0	
	Do	Do	1 0	1 0 0	Do	.....	32 0 0	.....	32 0 0	
	Do	Do	1 0	2 4 0	Patrick Cunningham	.....	36 0 0	.....	79 4 0	
	Do	Do	1 0	1 0 0	Do	.....	30 2 0	.....	30 10 0	
	Do	Do	1 0	1 0 0	Thomas Woore	1 10 0 Patrick Ryan	32 0 0	.....	32 0 0	5 8 0
	Do	Do	1 0	2 11 0	Patrick Durack	.....	30 1 0	.....	77 3 0	
	Do	Do	1 0	1 0 0	James Thompson	.....	162 3 0	.....	162 15 0	
	Do	Do	1 0	2 10 0	John Kilfoile	.....	30 0 0	.....	75 0 0	
	Do	Do	1 0	1 0 0	Patrick Durack	.....	42 0 0	.....	42 0 0	
	Do	Do	1 0	1 0 0	Ronald M'Lachlan	.....	36 0 0	.....	36 0 0	
	Do	Do	1 0	1 0 0	Robert M'Lachlan	.....	35 0 0	.....	35 0 0	
	Do	Do	1 0	1 0 0	Jonathan Putland	.....	43 0 0	.....	43 0 0	
	Do	Do	1 0	1 0 0	Thomas Cahill	.....	39 0 0	.....	39 0 0	
	Do	Do	1 0	1 0 0	James Gooley	.....	34 0 0	.....	34 0 0	
	Do	Do	1 0	1 0 0	Michael Ryan	.....	48 0 0	.....	48 0 0	
	Do	Do	1 0	1 0 0	Do	.....	83 3 0	.....	83 16 0	
	Do	Do	1 0	1 0 0	Do	.....	30 0 0	.....	30 0 0	
	Do	Do	1 0	1 0 0	William Pitt Faithfull	.....	30 0 0	.....	30 0 0	
	Do	Do	1 0	1 0 0	Do	.....	41 1 0	.....	41 16 0	
	Do	Do	1 0	2 6 0	Benjamin Chapman	.....	33 0 0	.....	75 18 0	
	Do	Do	1 0	4 1 0	Alexander Cameron	.....	30 0 0	.....	121 10 0	
	Do	Do	2 10	3 6 0	Philip Dignam	.....	13 0 0	.....	42 18 0	
	Do	Do	2 0	2 0 0	Do	.....	20 0 0	.....	40 0 0	
	Do	Do				2 10 0	14 3 7				
	Do	Do				2 10 0	16 2 35				
	Do	Gundagai	Gundagai	1 0	1 0 0	William Kempton Smith	85 3 0	92 0 0	
	Do	Do	Do	1 0	1 0 0	Do	79 0 0	79 0 0	
	Do	Do	Do	1 0	1 0 0	William Kempton Smith	36 1 0	80 0 0	
	Do	Do	Do	1 0	1 0 0	William Kempton Smith	80 0 0	80 0 0	
	Do	Do	Do	1 0	1 0 0	William Kempton Smith	39 1 0	98 0 0	
	Do	Do	Do	1 0	1 0 0	William Kempton Smith	98 0 0	98 0 0	
	Do	Do	Do	1 0	1 0 0	William Kempton Smith	100 0 0	54 0 0	
	Do	Do	Do	1 0	1 0 0	Do	54 0 0	54 0 0	
	Do	Do	Do	1 0	1 0 0	Do	71 0 0	71 0 0	
	Do	Do	Do	1 0	1 0 0	Do	60 0 0	60 0 0	
	Do	Do	Do	1 0	1 0 0	Do	68 0 0	68 0 0	
Do	Do	Do	1 0	1 0 0	Do	.....	75 0 0	.....	75 0 0	
Do	Do	Do	1 0	1 0 0	William Kempton Smith	.....	43 1 0	.....	40 0 0	
Do	Do	Do	1 0	1 0 0	Do	.....	50 0 0	.....	50 0 0	
Do	Do	Do	1 0	1 0 0	Do	.....	48 0 0	.....	48 0 0	
Do	Do	Do	1 0	1 0 0	Do	.....	40 0 0	.....	40 0 0	
Do	Do	Do	1 0	1 0 0	William Kempton Smith	.....	40 0 0	.....	45 0 0	
Do	Do	Do	1 0	1 0 0	Do	.....	45 0 0	.....	45 0 0	
Do	Do	Do	1 0	1 0 0	William Kempton Smith	.....	36 0 0	.....	36 0 0	
Do	Do	Do	1 0	1 0 0	Do	.....	40 0 0	.....	40 0 0	
Do	Do	Do	1 0	1 0 0	William Kempton Smith	.....	40 0 0	.....	39 0 0	
Do	Do	Do	1 0	1 0 0	William Kempton Smith	.....	39 0 0	.....	39 0 0	
Do	Do	Do	1 0	1 0 0	William Kempton Smith	.....	48 0 0	.....	48 0 0	
Do	Do	Do	1 0	1 0 0	Do	.....	61 0 0	.....	61 0 0	
Do	Do	Do	1 0	1 0 0	William Kempton Smith	.....	40 0 0	.....	40 0 0	
Do	Do	Do	1 0	1 0 0	Do	.....	40 0 0	.....	40 0 0	
Do	Do	Do	1 0	1 0 0	William Kempton Smith	.....	74 0 0	.....	74 0 0	
Do	Do	Do	1 0	1 0 0	Do	.....	74 0 0	.....	74 0 0	
Do	Do	Do	1 0	1 0 0	William Kempton Smith	.....	40 0 0	.....	40 0 0	
Do	Do	Do	1 0	1 0 0	Do	.....	53 2 0	.....	52 0 0	
Do	Do	Do	1 0	1 0 0	William Kempton Smith	.....	52 2 0	.....	52 0 0	
Do	Do	Do	1 0	1 0 0	William Kempton Smith	.....	32 2 0	.....	82 10 0	
Do	Do	Do	1 0	1 0 0	Do	.....	100 0 0	.....	100 0 0	
Do	Do	Do	1 0	1 0 0	Do	.....	82 0 0	.....	82 0 0	
Do	Do	Do	1 0	1 0 0	Do	.....	67 0 0	.....	67 0 0	
Do	Do	Do	1 0	1 0 0	Edward Mortimer Travers	.....	40 0 0	.....	40 0 0	
Do	Do	Do	1 0	1 0 0	Do	.....	39 0 0	.....	39 0 0	
Do	Do	Do	1 0	1 0 0	Do	.....	37 0 0	.....	37 0 0	
Do	Do	Do	1 0	3 0 0	Patrick Sweeney	1 0 0 W. Russell Riley	31 0 0	.....	150 0 0	3 2 0
Do	Do	Do	1 0	2 0 0	Do	.....	41 0 0	.....	82 0 0	
Do	Do	Do	1 0	1 0 0	Patrick Cody	.....	97 2 0	.....	97 10 0	
Do	Do	Do	1 0	1 0 0	Patrick Lchane	.....	31 0 0	.....	31 0 0	
Do	Do	Do	1 0	1 0 0	Patrick Carney	.....	30 0 0	.....	30 0 0	
Do	Do	Do	1 0	1 0 0	Cornelius O'Leary	.....	33 0 0	.....	33 0 0	
Do	Do	Do	1 0	1 0 0	Thomas M'Guigan	.....	43 0 0	.....	43 0 0	
Do	Do	Do	1 0	1 0 0	Cornelius M'Carthy	3 1 0 Thos. M'Guigan.	51 1 0	.....	41 0 0	15 14 0
Do	Do	Do	1 0	1 0 0	James Deharty	.....	36 0 0	.....	36 0 0	
Do	Do	Do	1 0	1 0 0	Mary Winterbank	30 0 0	30 0 0		
Do	Do	Do	1 0	1 0 0	Thomas M'Carthy	32 0 0	32 0 0		

CROWN LANDS.

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Date.	Place.							Country.	Suburban.		
1860.			£ s.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
Aug. 14	Wagga Wagga	Wagga Wagga									
	Do	Do						10 1 0			
	Do	Do						6 1 18			
	Do	Do						2 10 0			
	Do	Do						6 2 30			
	Do	Do						1 10 0			
	Do	Do						15 0 33			
	Do	Do						15 0 33			
	Do	Do						13 3 11			
	Do	Do						12 3 17			
	Do	Do						17 0 4			
	Do	Do						11 2 31			
	Do	Do						17 3 8			
	Do	Do	1 10	1 10 0	Hugh Wallace ..	1 10 0		18 0 4			
	Do	Do						21 0 0		31 10 0	
	Do	Do						12 3 23			
	Do	Do						13 2 39			
	Do	Do	1 10	1 10 0	Hugh Wallace ..	1 10 0		15 2 11			
	Do	Do						23 1 0		34 17 6	
	Do	Do						20 1 0			
	Do	Do						20 3 0			
Aug. 20	Wentworth	Bairnald	4 0	4 0 0	Edward Bate Scott	4 0 0	Edwd. Bate Scott		1 1 33	5 16 6	
	Do	Do				4 10 0	Do		1 2 12		0 12 8
	Do	Do				4 0 0	Do		1 2 32		0 15 4
	Do	Do				4 0 0	Do		1 3 11		0 14 7
	Do	Do				4 0 0	Do		1 3 30		0 16 6
Aug. 21	Glen Innes	Wellingrove				1 10 0			23 2 8		
	Do	Do				2 0 0			10 0 0		
	Do	Do				1 10 0			12 0 20		
	Do	Do				1 10 0			15 0 0		
	Do	Do				1 10 0			15 0 0		
Sept. 11	Moruya	Broulee				4 0 0			3 1 0		
	Do	Do				4 0 0			2 2 0		
	Do	Do				4 0 0			2 2 0		
	Do	Do	4 0	4 0 0	John M'Keon ..	4 0 0			2 2 0	10 0 0	
	Do	Do	4 0	4 10 0	Do ..	4 0 0			2 2 0	11 5 0	
	Do	Do	4 0	4 0 0	Henry Breen ..	4 0 0			2 2 0	10 0 0	
Sept. 12						1 0 0		86 0 0			
						1 0 0		85 0 0			
						1 0 0		42 0 0			
						1 0 0		44 0 0			
			1 0	1 0 0	Timothy Egan ..	1 0 0		44 0 0		44 0 0	
						1 0 0		42 0 0			
			1 0	2 1 0	Timothy Egan ..	1 0 0		48 2 0		98 8 0	
						1 0 0		48 0 0			
			1 0	3 5 0	Timothy Egan ..	1 0 0		43 3 0		152 15 0	
						1 0 0		47 0 0			
						1 0 0		60 0 0			
						1 0 0		82 0 0			
						1 0 0		88 0 0			
						1 0 0		83 0 0			
						1 0 0		83 0 0			
						1 0 0		85 0 0			
						1 0 0		84 0 0			
						1 0 0		84 0 0			
						1 0 0		88 0 0			
						1 0 0		83 0 0			
						1 0 0		83 0 0			
	Sofala	Bathurst				56 0 0		56 0 0			
	Do	Do				52 0 0		52 0 0			
	Do	Do				38 0 0		38 0 0			
	Do	Do				25 0 0		25 0 0			
	Do	Do	1 0	1 0 0	William Henry Suttor ..	41 0 0		41 0 0		41 0 0	
	Do	Do				44 0 0		44 0 0			
	Do	Do				30 0 0		30 0 0			
	Do	Do				35 0 0		35 0 0			
	Do	Do	1 0	1 0 0	Michael Hackett..	69 0 0		69 0 0		69 0 0	
	Do	Do				49 2 0		49 2 0			
	Do	Do				48 2 0		48 2 0			
	Do	Do	1 0	1 0 0	John Bligh Suttor	47 1 0		47 1 0		47 5 0	
	Do	Do				46 0 0		46 0 0			
	Do	Do				45 0 0		45 0 0			
	Do	Do				43 2 0		43 2 0			
	Do	Do				42 1 0		42 1 0			
	Do	Do				41 1 0		41 1 0			
	Do	Do				40 0 0		40 0 0			
	Do	Do				48 0 0		48 0 0			
	Do	Do				49 1 0		49 1 0			
	Do	Do				40 0 0		40 0 0			
	Do	Do				51 0 0		51 0 0			
	Do	Do				40 0 0		40 0 0			
	Do	Do				30 0 0		30 0 0			
	Do	Do	1 0	1 0 0	George Phelps ..	30 0 0		30 0 0		30 0 0	
Sept. 13	Singleton	Patrik's Plains				4 0 0	Enoch Coberoff		1 0 11		0 15 0
	Do	Do				4 0 0	Do		1 0 11		1 1 6

CROWN LANDS.

Date and Place at which the Auction was held.		District in which the Lands were situated.	Upset price per acre of Land sold.	Prices per acre realized in each case.	Names of Purchasers.	Names of Bidders.	Description of Land.		Amount realized.	Deposit forfeited.
Date.	Place.						Country.	Suburban.		
1860.										
Sept. 12	Singleton ..	Patrick's Plains	£ s. d.	£ s. d.		£ s. d.	a. r. p.	£ s. d.	£ s. d.	
	Do ..	Do ..				4 0 0	1 0 11	0 16 7		
	Do ..	Do ..				4 0 0	1 0 11	0 19 2		
	Do ..	Do ..				4 0 0	1 0 11	1 6 3		
	Do ..	Do ..	1 0	10 0 0	William Copland Lesley	4 0 0	1 0 11	1 1 5		
	Do ..	Do ..				4 0 0	1 0 11	10 13 9		
	Do ..	Do ..				4 0 0	1 0 11	0 17 9		
	Do ..	Do ..				4 0 0	1 0 11	1 1 6		
	Do ..	Do ..				4 0 0	1 0 11	1 7 1		
	Do ..	Do ..				4 0 0	1 0 11	1 1 9		
	Do ..	Do ..				4 0 0	1 0 11	1 5 9		
	Do ..	Do ..	1 0	10 6 0	Robert Stratford Hartigan	.....	1 0 11	11 0 2	
	Do ..	Do ..	1 0	11 6 0	Do	.....	1 0 11	12 1 7	
	Do ..	Do ..	3 0	6 6 0	William Glenhew	.....	3 0 34	20 4 9	
Sept. 17	Gundagai ..	Gundagai ..	1 0	1 0 0	James M'Evoy	.....	21 1 26	21 8 3	
	Do ..	Do ..	1 0	4 0 0	Do	.....	26 0 0	104 0 0	
	Do ..	Do ..	1 0	1 0 0	Do	.....	21 1 26	21 8 8	
	Do ..	Do ..	1 0	1 0 0	Do	.....	42 0 0	42 0 0	
	Do ..	Do ..	1 0	1 0 0	Do	.....	42 0 0	42 0 0	
	Do ..	Do ..	1 0	8 0 0	Do	.....	21 1 26	171 6 0	
	Do ..	Do ..	1 0	10 0 0	James M'Grath ..	.....	22 0 0	220 0 0	
	Do ..	Do ..	1 0	1 0 0	James M'Evoy	.....	21 1 26	21 8 3	
	Do ..	Do ..	1 0	2 0 0	Do	.....	19 1 6	38 11 6	
	Do ..	Do ..	1 0	1 0 0	Do	.....	42 0 0	42 0 0	
	Do ..	Do ..	1 0	1 10 0	Do	.....	15 3 15	24 3 9	
	Do ..	Do ..	1 0	1 0 0	Do	.....	98 0 0	98 0 0	
	Do ..	Do ..	1 0	1 0 0	Do	.....	106 0 0	106 0 0	
	Do ..	Do ..				1 0 0	67 0 0			
	Do ..	Do ..				1 0 0	39 0 0			
	Do ..	Do ..				1 0 0	52 0 0			
	Do ..	Do ..	1 0	1 5 0	Patrick Keane ..	.....	15 0 0	18 15 0	
	Do ..	Do ..	1 0	1 5 0	Do	.....	20 3 0	25 18 9	
	Do ..	Do ..	1 0	1 11 0	Do	.....	22 16 0	34 5 4	
	Do ..	Do ..	1 0	1 5 0	John Glasscock ..	.....	15 0 16	18 17 4	
	Do ..	Do ..				2 10 0	8 0 11			
	Do ..	Do ..	3 0	3 0 0	Duncan Murchison	.....	4 0 0	12 0 0	
	Do ..	Do ..	2 10	2 10 0	Do	.....	6 0 38	15 11 11	
	Do ..	Do ..	3 0	4 15 0	William L. Murchison	.....	3 0 0	14 5 0	
	Do ..	Do ..	3 0	3 0 0	Do	.....	3 0 0	9 0 0	
	Do ..	Do ..				3 0 0	4 0 25			
	Do ..	Do ..				3 0 0	3 0 21			
	Do ..	Do ..	3 0	3 0 0	Farqhr. M'Rae Murchison	.....	3 0 0	9 0 0	
	Do ..	Do ..	3 0	3 0 0	Do	.....	3 0 0	9 0 0	
	Do ..	Do ..				3 0 0	3 1 32			
	Do ..	Do ..				3 0 0	4 0 0			
	Do ..	Do ..				3 0 0	4 1 0			
	Do ..	Do ..				3 0 0	4 0 0			
	Do ..	Do ..				3 0 0	3 2 0			
	Do ..	Do ..				3 0 0	4 3 0			
Sept. 19	West Kempsey	Macleay River	3 0	3 0 0	Luke Shelvey ..	.....	4 3 38	14 17 5	
	Do ..	Do ..					47 0 0			
	Do ..	Do ..					43 0 0			
	Do ..	Do ..					88 0 0			
	Do ..	Do ..					58 0 0			
	Do ..	Do ..					37 0 0			
	Do ..	Do ..					27 0 0			
	Do ..	Do ..					110 0 0			
	Do ..	Do ..					52 0 0			
	Do ..	Do ..					64 0 0			
	Do ..	Do ..					104 0 0			
	Do ..	Do ..					70 3 0			
	Do ..	Do ..					73 3 0			
	Do ..	Do ..					85 2 0			
	Do ..	Do ..					78 2 0			
	Do ..	Do ..					109 0 0			
	Do ..	Do ..					83 0 0			
	Do ..	Do ..					60 0 0			
	Do ..	Do ..					21 0 0			
	Do ..	Do ..					66 0 0			
	Do ..	Do ..					42 0 0			
	Do ..	Do ..					44 0 0			
	Do ..	Do ..					73 0 0			
	Do ..	Do ..					36 0 0			
	Do ..	Do ..					18 0 0			
	Do ..	Do ..					63 0 0			
	Do ..	Do ..					77 0 0			
	Do ..	Do ..					64 0 0			
	Do ..	Do ..	1 0	1 0 0	John Lancaster ..	.....	49 0 0	49 0 0	
	Do ..	Do ..					16 0 0			
	Do ..	Do ..					50 0 0			
	Do ..	Do ..					19 0 0			
	Do ..	Do ..					61 0 0			
	Do ..	Do ..					44 0 0			
	Do ..	Do ..					47 0 0			
	Do ..	Do ..					55 0 0			

CROWN LANDS.

Date and Place at which the Auction was held.		District in which the Lands were situated.	Upset price per acre of Land sold.	Prices per acre realized in each case.	Names of Purchasers.	Names of Bidders.	Description of Land.		Amount realized.	Deposit forfeited.
Date.	Place.						Country.	Suburban.		
1860.			£ s.	£ s. d.			a. r. p.	a. r. p.	£ s. d.	£ s. d.
Sept. 19	West Kempsey	Macleay River								
	Do	Do			R. A. H. Kemp	.....	70 0 0			
	Do	Do			Do	.....	97 2 0			
	Do	Do					93 0 0			
	Do	Do					105 0 0			
	Do	Do	1 0	1 0 0			210 0 0			
	Do	Do	1 0	1 0 0			27 2 0	.....	27 0 0	
	Do	Do					22 2 0	.....	22 10 0	
	Do	Do					47 0 0			
	Do	Do					1 0 0			
	Do	Do					1 0 0			
	Do	Do					1 0 0			
	Do	Do					1 0 0			
	Do	Do					1 0 0			
	Do	Do					1 0 0			
	Do	Do					1 0 0			
	Do	Do					1 0 0			
Sept. 25	Maitland	Maitland					48 0 0			
	Do	Do					62 1 0			
	Do	Do					40 0 0			
	Do	Do	1 0	1 0 0	John O'Neill	.....	57 1 0			
	Do	Do					46 0 0	.....	46 0 0	
	Do	Do					80 0 0			8 0 0
	Do	Do					72 0 0			7 4 0
	Do	Do	1 0	1 0 0	William McGaun	.....	53 0 0	.....	53 0 0	
	Do	Do	1 0	1 0 0	Dennis McPhellemy	.....	61 0 0	.....	61 0 0	
	Do	Do	1 0	1 0 0	John Grady	.....	65 0 0	.....	65 0 0	
	Do	Do	1 0	1 0 0	John Callaghan	.....	132 0 0	.....	132 0 0	
	Do	Do	1 0	1 0 0	James Stafford	.....	25 0 0	.....	25 0 0	
	Do	Do	1 0	1 0 0	William Stafford, junr.	.....	106 0 0	.....	106 0 0	
	Do	Do	1 0	1 0 0	Thomas Stafford	.....	60 0 0	.....	60 0 0	
	Do	Do	1 0	1 0 0	Thomas Moore	.....	68 0 0	.....	68 0 0	
	Do	Do	1 0	1 0 0	Stephen Moore	.....	42 0 0	.....	42 0 0	
	Do	Do	1 0	1 0 0	John Callaghan	.....	40 0 0	.....	40 0 0	
	Do	Do	1 0	1 0 0	William McPhellemy	.....	25 0 0	.....	25 0 0	
	Do	Do	1 0	1 0 0	John Boland	.....	74 0 0	.....	74 0 0	
	Do	Do					70 0 0			
	Do	Do					61 1 0			
	Do	Do					34 0 0			
	Do	Do					36 3 0			
	Do	Do					45 3 0			
	Do	Do					45 2 0			
	Do	Do					57 1 0			
	Do	Do					57 1 0			
	Do	Do					57 0 0			
	Do	Do	1 0	1 0 0	Mary Ann Hall	.....	45 3 0	.....	48 0 0	
	Do	Do					48 0 0	.....	48 0 0	
	Do	Do					52 3 0			
	Do	Do	1 0	1 0 0	Joseph Burnage	.....	50 3 0	.....	31 15 0	
	Do	Do	1 0	1 0 0			52 2 0	.....	52 10 0	
	Do	Do	1 0	1 0 0			50 0 0	.....	50 0 0	
	Do	Do					1 0 0			
	Do	Do					1 0 0			
	Do	Do					1 0 0			
	Do	Do	1 0	1 0 0	Thomas Ahern	.....	84 3 0	.....	82 15 0	
	Do	Do	1 0	1 0 0	William Elliott	.....	90 0 0	.....	124 0 0	
	Do	Do	1 0	1 0 0	Mrs. Ann Price	.....	82 3 0	.....	43 10 0	
	Do	Do	1 0	1 0 0	Do	.....	43 2 0	.....	43 10 0	
	Do	Do	1 0	1 0 0	Do	.....	43 2 0	.....	61 0 0	
	Do	Do	1 0	3 7 6	Charles Wall	.....	61 0 0	.....	72 2 10	
	Do	Do	1 0	2 0 0	Do	.....	21 1 20	.....	45 0 0	
	Do	Do					22 2 0	.....	
	Do	Do					21 1 20	.....	
	Do	Do					22 2 0	.....	
	Do	Do					16 2 0	.....	
	Do	Do					20 0 0	.....	
	Do	Do					20 0 0	.....	
	Do	Do					16 2 0	.....	
	Do	Do					20 0 0	.....	
	Do	Do					20 0 0	.....	
	Do	Do					20 0 0	.....	
	Do	Do					20 0 0	.....	
	Do	Do					20 0 0	.....	
	Do	Do					20 0 0	.....	
	Do	Do					20 0 0	.....	
	Do	Do					20 0 0	.....	
	Do	Do					20 0 0	.....	
	Do	Do					20 0 0	.....	
	Do	Do					20 1 4	.....	
	Do	Do					20 0 0	.....	
	Do	Do					20 0 0	.....	
	Do	Do					20 1 4	.....	
	Do	Do					20 0 0	.....	
	Do	Do					20 0 0	.....	
	Do	Do					17 0 16	.....	
	Do	Do					18 0 0	.....	
	Do	Do					17 0 16	.....	
	Do	Do					18 0 0	.....	

CROWN LANDS.

Date and Place at which the Auction was held.		District in which the Lands were situated.	Upset price per acre of Land sold.	Prices per acre realized in each case.	Names of Purchasers.	Upset price per acre of lots not bid for or withdrawn from sale, or for which the proceeds have been made good, or the deposit forfeited.	Names of Bidders.	Description of Land.		Amount realized.	Deposit forfeited.
Date.	Place.							Country.	Suburban.		
1860.			£ s.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
Sept. 25	Wagga Wagga	Wagga Wagga									
	Do	Do									
	Do	Do									
	Do	Do									
	Do	Do									
	Do	Do									
	Do	Do	1 0	1 10 0	John M'Kenzie	1 0 0	.....	15 2 3	....	23 5 7	
	Do	Do						17 1 0			
	Do	Do						13 0 6			
	Do	Do						17 0 0			
	Do	Do						17 0 0			
	Do	Do						17 0 0			
	Do	Do						17 0 0			
Sept. 26	Albury	Albury	1 0	1 0 0	John Nicholls	1 0 0	.....	39 3 0	....	39 10 0	
	Do	Do	1 0	1 0 0	John Schnur	1 0 0	.....	43 1 0	....	43 5 0	
	Do	Do					James Colston ..	35 0 0			6 0 0
	Do	Do	1 0	1 0 0	Johann Martin Klein ..	1 0 0	.....	40 0 0	....	40 0 0	
	Do	Do						29 2 32			
	Do	Do	1 0	1 4 0	John Nichols	1 0 0	.....	29 1 25	....	35 5 9	
	Do	Do	1 0	1 0 0	Daniel O'Keefe	1 0 0	.....	41 1 0	....	41 5 0	
	Do	Do	1 0	1 0 0	Wendelin Strauss ..	1 0 0	.....	50 0 0	....	50 0 0	
	Do	Do	1 0	1 0 0	Do	1 0 0	.....	50 0 0	....	50 0 0	
	Do	Do	1 0	1 0 0	Edward Thomas Wignell	1 0 0	.....	41 0 0	....	41 0 0	
	Do	Do						40 3 0			
	Do	Do						32 0 0			
	Do	Do	1 0	1 0 0	Jacob Dick	1 0 0	.....	29 3 0	....	29 15 0	
	Do	Do						29 2 32			
	Do	Do						29 0 0			
	Do	Do						38 3 0			
	Do	Do						38 2 0			
	Do	Do						39 3 0			
	Do	Do						32 0 0			
	Do	Do						30 2 0			
	Do	Do						48 0 0			
	Do	Do						73 0 0			
	Do	Do						49 2 0			
	Do	Do	1 0	1 0 0	G. Day and J. Day ..	1 0 0	.....	39 0 0	....	39 0 0	
	Do	Do	1 0	1 0 0	Do	1 0 0	.....	41 0 0	....	41 0 0	
	Do	Do	1 0	1 15 0	Daniel Bucklen	1 0 0	.....	38 0 0	....	66 10 0	
	Do	Do	1 0	1 0 0	Karl Joseph Stasson ..	1 0 0	.....	36 0 0	....	36 0 0	
	Do	Do						73 0 0			
	Do	Do						53 2 0			
	Do	Do						74 0 0			
	Do	Do						46 0 0			
	Do	Do						43 1 0			
	Do	Do	1 0	1 2 0	John Henshaw	1 0 0	.....	41 3 0	....	45 18 6	
	Do	Do	1 0	1 15 0	Philip Francis Adams ..	1 0 0	.....	40 2 0	....	70 17 6	
	Do	Do	1 0	1 0 0	Do	1 0 0	.....	37 3 0	....	37 15 0	
	Do	Do	1 0	1 0 0	Edward Twynam	1 0 0	.....	41 1 0	....	41 5 0	
	Do	Do	1 0	1 0 0	William Davey	1 0 0	.....	61 2 0	....	61 10 0	
	Do	Do						96 0 0			
	Do	Do						79 3 0			
	Do	Do						57 0 0			
	Do	Do						71 0 0			
	Glen Innes	Wellingrove	3 0	3 0 0	John Sloman	3 0 0	.....	.....	3 0 18	9 6 9	
	Do	Do	3 0	3 0 0	Do	3 0 0	.....	.....	2 3 36	8 18 6	
	Do	Do						.....	5 3 16		
	Do	Do						.....	5 2 16		
	Do	Do	3 0	3 0 0	James Martin	3 0 0	.....	.....	2 0 33	6 12 6	
	Do	Do						.....	3 0 8		
	Do	Do						.....	4 0 0		
	Do	Do						.....	4 0 0		
	Do	Do	3 0	3 0 0	Elizabeth Cobley	3 0 0	.....	.....	2 2 21	7 18 0	
	Do	Do	3 0	3 0 0	Thomas Loveday	3 0 0	.....	.....	4 1 13	13 0 0	
	Do	Do	3 0	3 0 0	Reuben Smith	3 0 0	.....	.....	3 1 14	10 0 3	
	Do	Do						.....	5 0 0		
	Do	Do						.....	5 0 0		
	Do	Do	3 0	3 0 0	James Jones	3 0 0	.....	.....	2 0 0	6 0 0	
	Do	Do	3 0	3 0 0	Alexander M'Millan ..	3 0 0	.....	.....	3 2 34	11 2 9	
	Do	Do	3 0	3 0 0	Robert Ross	3 0 0	.....	.....	3 3 17	11 12 6	
	Nowra	Shoalhaven	1 0	3 0 0	John Moses Murphy ..	1 0 0	.....	78 0 0			
	Do	Do	1 0	3 0 0	James Fraser	1 0 0	.....	58 2 0	....	175 10 0	
	Do	Do	1 0	3 9 0	Do	1 0 0	.....	58 2 0	....	175 10 0	
	Do	Do	1 0	2 12 0	George Lumsden	1 0 0	.....	58 2 0	....	201 16 6	
	Do	Do						.....	.....	152 2 0	
	Do	Do						59 0 0			
	Do	Do						59 0 0			
	Do	Do						59 0 0			
	Do	Do	1 0	1 9 0	James Fraser	1 0 0	.....	59 2 0	....	56 5 6	
	Do	Do	1 0	2 0 0	William Hood	1 0 0	78 3 0	157 10 0	
	Do	Do						61 3 0			
	Do	Do						31 3 0			
	Do	Do						60 0 0			
	Do	Do						83 0 0			
	Do	Do						53 3 0			

CROWN LANDS.

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Date.	Place.							Country.	Suburban.		
1860.			£ s. d.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
Sept. 27	Albury	Albury	1 0	1 0 0	Elizabeth Wright	1 0 0	J. F. H. Mitchell	52 0 0	57 4 0	25 0 0
	Do	Do			Do	1 0 0	Do	121 2 0			51 0 0
	Do	Do			Do	1 0 0	Do	141 0 0			60 0 0
	Do	Do			Do	1 0 0	Do	164 0 0			49 0 0
	Do	Do			Do	1 0 0	Do	161 0 0			
	Sydney	Sydney	2 0	2 2 0	George Woodcock	....	....	14 0 35	....	29 17 2	
	Do	Do	2 0	2 0 0	Do	....	....	10 0 37	....	20 9 3	
	Do	Do			Do	2 0 0	....	10 3 8			
	Do	Do			Do	2 10 0	....	8 3 0			
	Do	Do			Do	2 10 0	....	9 2 17			
	Do	Do			Do	2 10 0	....	9 1 17			
	Do	Do	450 0	450 0 0	Daniel Egan	....	....	....	1 0 33	550 0 0	
	Do	Do			Do	10 0 0	....	....	5 1 0		
	Do	Do			Do	10 0 0	....	....	5 1 0		
	Do	Do	10 0	10 0 0	Francis O'Brien	....	....	....	5 0 0	50 0 0	
	Do	Do	10 0	10 0 0	Do	....	....	....	5 0 0	50 0 0	
	Do	Do	10 0	10 0 0	Do	....	....	....	6 1 8	63 0 0	
	Do	Do			Do	10 0 0	....	....	5 1 30		
	Do	Do			Do	10 0 0	....	....	5 1 30		
	Do	Do			Do	10 0 0	....	....	5 0 0		
	Do	Do			Do	10 0 0	....	....	5 0 0		
	Do	Do			Do	10 0 0	....	....	6 0 22		
	Do	Do			Do	10 0 0	....	....	6 0 30		
	Do	Do			Do	10 0 0	....	....	5 2 25		
	Do	Do			Do	10 0 0	....	....	6 0 0		
	Do	Do			Do	10 0 0	....	....	5 1 27		
	Do	Do			Do	10 0 0	....	....	5 1 27		
	Do	Do			Do	10 0 0	....	....	5 3 23		
	Do	Do			Do	10 0 0	....	....	5 3 23		
	Do	Do	10 0	10 0 0	John Donald M'Lean	....	....	....	6 0 0	60 0 0	
	Do	Do	10 0	10 0 0	Do	....	....	....	6 0 0	60 0 0	
	Do	Do			Do	10 0 0	....	....	8 1 24		
	Do	Do			Do	10 0 0	....	....	5 1 0		
	Do	Do			Do	10 0 0	....	....	5 0 0		
	Do	Do			Do	10 0 0	....	....	5 0 0		
	Do	Do			Do	10 0 0	....	....	1 0 0		
	Tamworth	Tamworth			Do	4 0 0	....	....	1 0 0		
	Do	Do			Do	4 0 0	....	....	1 0 0		
	Do	Do			Do	4 0 0	....	....	1 0 0		
	Do	Do			Do	4 0 0	....	....	1 0 0		
	Do	Do			Do	4 0 0	....	....	1 0 0		
	Do	Do	4 0	4 0 0	James Barnes	....	....	....	0 3 30	3 15 0	
	Do	Do	4 0	4 0 0	Do	....	....	....	0 3 30	3 15 0	
	Do	Do	4 0	4 0 0	Do	....	....	....	0 3 30	3 15 0	
	Do	Do			Do	4 0 0	....	....	0 3 30		
	Do	Do			Do	4 0 0	....	....	0 3 30		
Sept. 28	Parramatta	Parramatta	10 0	16 2 7	Thomas Wells	....	....	....	2 2 7	41 0 7	
	Do	Do	10 0	14 18 9	James Hening	....	....	....	2 2 7	38 0 0	
	Do	Do	10 0	10 5 5	George Henry Brown	....	....	....	2 2 7	26 2 6	
	Do	Do			Do	10 0 0	....	....	7 3 30		
	Do	Do			Do	10 0 0	....	....	6 3 20		
	Do	Do	10 0	10 1 1	James Howison	....	....	....	8 2 20	87 0 10	
	Do	Do	10 0	10 0 0	William Fullagar	....	....	....	9 2 22	96 7 6	
	Do	Do	10 0	10 1 0	Do	....	....	....	15 0 0	150 0 0	
	Do	Do	10 0	10 0 0	George Oakes	....	....	....	15 0 0	150 0 0	
	Do	Do	10 0	10 17 0	Do	....	....	....	14 3 0	160 0 0	
	Do	Do			Do	20 0 0	....	....	1 3 32		
	Do	Do			Do	20 0 0	....	....	1 3 32		
	Do	Do			Do	10 0 0	....	....	7 1 29		
	Do	Do	10 0	12 13 2	John Savery Rodd	....	....	....	7 1 28	94 0 0	
	Do	Do	10 0	10 3 11	Do	....	....	....	7 1 17	75 0 0	
	Do	Do			Do	10 0 0	....	....	8 2 0		
	Do	Do			Do	10 0 0	....	....	6 2 12		
	Do	Do			Do	10 0 0	....	....	5 3 4		
	Do	Do	10 0	10 0 0	John Savery Rodd	....	....	....	10 2 8	105 10 0	
	Do	Do	10 0	10 0 0	William Fullagar	....	....	....	9 0 0	90 0 0	
	Do	Do	10 0	10 0 0	Do	....	....	....	8 1 38	84 17 6	
	Do	Do	10 0	10 0 0	Do	....	....	....	7 2 19	76 3 9	
	Do	Do	10 0	10 0 0	Do	....	....	....	8 0 19	81 3 9	
	Do	Do	10 0	10 18 0	Do	....	....	....	13 1 0	145 0 0	
	Do	Do	10 0	11 10 5	George Oakes	....	....	....	10 2 0	121 0 0	
	Do	Do	10 0	11 4 3	William Fullagar	....	....	....	15 1 0	171 0 0	
	Do	Do	10 0	12 1 7	Do	....	....	....	12 2 0	151 0 0	
	Do	Do	10 0	17 13 2	Do	....	....	....	10 1 0	181 0 0	
	Do	Do	10 0	11 18 2	George Oakes	....	....	....	11 0 0	131 0 0	
	Do	Do	10 0	14 2 0	Do	....	....	....	7 0 26	101 0 0	
	Do	Do	10 0	16 16 11	Do	....	....	....	9 0 32	155 0 0	
	Do	Do			Do	10 0 0	....	....	13 1 0		
	Do	Do			Do	10 0 0	....	....	10 3 0		
	Do	Do			Do	10 0 0	....	....	11 0 0		
	Do	Do			Do	10 0 0	....	....	9 3 8		
	Do	Do			Do	10 0 0	....	....	8 3 20		
	Do	Do	10 0	10 16 8	George Oakes	15 0 0	163 0 0	
	Wagga Wagga	Wagga Wagga			Do	4 0 0	1 3 18		
	Do	Do			Do	3 0 0	2 2 8		

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Date.	Place.							Country.	Suburban.		
1860.			£ s.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
Sept. 28	Wagga Wagga.	Wagga Wagga.									
	Do	Do				3 0 0			5 3 20		
	Do	Do				2 10 0			7 0 20		
	Do	Do				2 10 0			14 1 24		
	Do	Do				2 10 0			8 1 24		
	Do	Do				2 10 0			8 1 24		
	Do	Do				2 10 0			8 1 24		
	Do	Do				2 10 0			8 1 24		
	Do	Do				2 10 0			8 2 26		
	Do	Do				2 10 0			8 2 26		
	Do	Do				2 10 0			8 2 26		
	Do	Do				2 10 0			8 2 26		
	Do	Do				2 10 0			5 1 25		
	Do	Do				2 10 0			5 1 9		
	Do	Do				2 10 0			5 1 19		
	Do	Do				2 10 0			5 1 18		
	Do	Do				2 10 0			5 2 0		
	Do	Do				2 10 0			5 2 0		
	Do	Do				2 10 0			5 2 0		
	Do	Do				2 10 0			5 2 0		
	Do	Do				2 10 0			5 2 0		
	Wellington..	Wellington..				1 5 0		14 3 20			
	Do	Do				1 5 0		14 3 20			
	Do	Do				1 5 0		14 3 20			
	Do	Do				1 5 0		24 2 0			
	Do	Do				1 5 0		26 1 0			
	Do	Do				1 5 0		27 3 16			
	Do	Do				1 5 0		27 1 0			
	Do	Do				1 5 0		20 0 34			
	Do	Do				1 5 0	Ann Paton ..	13 3 24			1 17 0
	Do	Do	1 5	1 5 0	Samuel Edward ..	15 3 10		15 3 10		19 15 4	
	Do	Do	1 5	1 5 0	Ann Peters ..	15 1 20		15 1 20		19 4 5	
	Do	Do				2 10 0			5 2 29		
	Do	Do				2 10 0			5 3 32		
	Do	Do				3 0 0			3 3 19 1/2		
	Do	Do				3 0 0			3 3 17 1/2		
	Do	Do				3 0 0			3 2 34		
	Do	Do				2 10 0			8 1 1 1/2		
	Do	Do				2 10 0			8 1 3		
	Do	Do				2 10 0			8 1 1 1/2		
	Do	Do				2 0 0			16 2 4		
	Do	Do				2 0 0			16 2 4		
	Do	Do				2 0 0			17 0 0		
	Do	Do				2 0 0			17 0 0		
	Do	Do				2 10 0			6 2 0		
	Do	Do				2 10 0			8 2 0		
	Do	Do				3 0 0			4 1 0		
	Do	Do				3 0 0			4 1 0		
	Do	Do				3 0 0			4 1 0		
	Do	Do				2 10 0			7 2 18		
	Do	Do				2 10 0			7 3 30		
	Do	Do				2 10 0			8 0 16		
	Do	Do				2 10 0			8 0 16		
Oct. 1	Boorowa	Binalong				4 0 0			1 0 0		
	Do	Do				4 0 0			1 0 0		
	Do	Do				4 0 0			1 0 0		
	Do	Do				4 0 0			1 0 0		
	Do	Do				4 0 0			1 0 0		
	Do	Do				4 0 0			1 0 0		
	Do	Do				4 0 0			1 0 0		
	Do	Do				4 0 0			1 0 0		
	Do	Do				4 0 0			1 0 0		
	Do	Do				4 0 0			1 0 0		
	Do	Do	4 0	4 0 0	William Stuart Mackay..	4 0 0			1 0 0	4 0 0	
	Do	Do				4 0 0			1 0 0		
	Do	Do				4 0 0			1 0 0		
	Do	Do				4 0 0			1 0 0		
	Do	Do	4 0	4 0 0	Daniel Ryan ..	4 0 0	Marmaduke Constable..		1 0 0	4 0 0	0 8 0
	Do	Do	4 0	4 0 0	Do ..	4 0 0			1 0 0	4 0 0	
	St. Albans..	McDonald River	1 0	1 0 0	John Hobery ..	1 0 0		19 1 0		19 5 0	
	Do	Do	1 0	1 0 0	Andrew Laycock ..	1 0 0		26 0 0		26 0 0	
	Do	Do	1 0	1 0 0	Do ..	1 0 0		25 0 0		25 0 0	
	Do	Do	1 0	1 0 0	Thomas Laycock, junr. ..	1 0 0		23 2 9		23 13 8	
	Do	Do				1 0 0		42 0 0			
	Do	Do	1 0	1 0 0	George Laycock ..	1 0 0		29 2 0		29 10 0	
	Do	Do				1 0 0		47 0 0			
	Do	Do	1 0	1 0 0	George Laycock ..	1 0 0		37 2 0		37 10 0	
	Do	Do	1 0	1 0 0	Do ..	1 0 0		23 0 0		28 0 0	
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		43 2 0			
	Do	Do	1 0	1 0 0	Robert Laycock ..	1 0 0		61 3 0		51 15 0	
	Do	Do	1 0	1 0 0	Do ..	1 0 0		43 0 0		43 0 0	
	Do	Do				1 0 0		41 0 0			

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Date.	Place.							Country.	Suburban.		
1860.											
Oct. 8	Berrima	Berrima	£ s.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
	Do	Do	1 0	1 0 0	Henry Badgery	1 0 0		223 0 0			
	Do	Do	1 0	1 0 0	Do	1 0 0		163 0 0		43 0 0	
	Do	Do	1 0	1 0 0	Thomas White	1 0 0		116 0 0		51 0 0	
	Do	Do	1 0	1 0 0	William Waite	1 0 0		92 3 0		29 6 6	
	Do	Do	1 0	1 0 0		1 0 0		104 2 0		100 0 0	
	Do	Do	1 0	1 0 0		1 0 0		114 0 0			
	Do	Do	1 0	1 0 0		1 0 0		107 0 0			
	Do	Do	1 0	1 0 0		1 0 0		207 0 0			
	Do	Do	1 0	1 0 0		1 0 0		224 0 0			
	Do	Do	1 0	1 0 0		1 0 0		104 0 0			
	Do	Do	1 0	1 0 0		1 0 0		43 0 0			
	Do	Do	1 0	1 0 0		1 0 0		51 0 0			
	Do	Do	1 0	1 0 0		1 0 0		29 1 12			
	Do	Do	1 0	1 0 0		1 0 0		100 0 0			
	Do	Do	1 0	1 4 6	Edward Carter	1 0 0		80 0 0			
	Do	Do	1 0	1 0 0	Do	1 0 0		32 0 0		39 4 0	
	Do	Do	1 0	1 0 0	Do	1 0 0		49 0 0		49 0 0	
	Do	Do	1 0	1 0 0	Do	1 0 0		43 0 0		43 0 0	
	Do	Do	1 0	1 0 0	Do	1 0 0		33 0 0		33 0 0	
	Do	Do	1 0	1 0 0	Do	1 0 0		27 0 0		27 0 0	
	Do	Do	1 0	1 0 0	Do	1 0 0		50 0 0		50 0 0	
	Do	Do	1 0	1 0 0	Do	1 0 0		43 0 0		43 0 0	
	Do	Do	1 0	1 10 0	Do	1 0 0		31 0 0		46 10 0	
	Do	Do				1 0 0		160 0 0			
	Do	Do				1 0 0		320 0 0			
	Do	Do				3 0 0		100 0 0			
	Do	Do	2 10	6 10 0	Francis Breen	2 10 0			2 3 14		
	Do	Do							7 0 36		
	Coonaharrabran	Dubbo				1 10 0			6 0 31	40 6 0	
	Do	Do				1 10 0			4 1 24		
	Do	Do				1 10 0			4 1 24		
	Do	Do				3 0 0			2 0 17		
	Do	Do				4 0 0			1 3 38		
	Do	Do	4 0	4 0 0	Mary Watkins	4 0 0			1 3 38		
	Do	Do				4 0 0			1 2 0	6 0 0	
	Do	Do				4 0 0			1 1 6		
	Do	Do				4 0 0			1 1 6		
Oct. 9	Yass	Yass	1 0	1 0 0	Noah Davies			42 0 0		42 0 0	
	Do	Do	1 0	1 0 0	Robert Wiggins			198 0 0		198 0 0	
	Do	Do	1 0	1 0 0	James Thompson			57 0 0		57 0 0	
	Do	Do	1 0	2 0 0	Martin Carroll			44 0 0		88 0 0	
	Do	Do	1 0	1 0 0	Owen Hilly			34 0 0		34 0 0	
	Do	Do	1 0	1 0 0	Thomas Malvy			30 3 0		30 15 0	
	Do	Do	1 0	1 0 0	Benjamin Lewis			31 3 0		30 15 0	
	Do	Do	1 0	1 0 0	John Hosking			38 0 0		38 0 0	
	Do	Do	1 0	1 0 0	Do			51 0 0		51 0 0	
	Do	Do	1 0	1 0 0	Do			31 0 0		31 0 0	
	Do	Do	1 0	1 0 0	Do			37 0 0		37 0 0	
	Do	Do	1 0	1 0 0	Do			40 0 0		40 0 0	
	Do	Do	1 0	2 5 0	Do			71 0 0		71 0 0	
	Do	Do	1 0	1 0 0	Do			55 0 0		123 15 0	
	Do	Do	1 0	1 0 0	Do			64 0 0		64 0 0	
	Do	Do	1 0	1 0 0	Do			51 0 0		51 0 0	
	Do	Do	1 0	1 0 0	Do			52 0 0		52 0 0	
	Do	Do	1 0	1 5 0	Do			32 0 0		32 0 0	
	Do	Do	1 0	2 0 0	Do			34 0 0		42 10 0	
	Do	Do	1 0	2 0 0	Do			73 0 0		146 0 0	
	Do	Do	1 0	1 0 0	Do			47 0 0		47 0 0	
	Do	Do	1 0	2 0 0	Do			66 0 0		132 0 0	
	Do	Do	1 0	1 0 0	Do			57 0 0		57 0 0	
	Do	Do	1 0	1 0 0	Do			39 0 0		39 0 0	
	Do	Do	1 0	1 0 0	Do			45 0 0		45 0 0	
	Do	Do	1 0	1 0 0	Do			44 1 0		44 5 0	
	Do	Do	1 0	1 0 0	Patrick Rooney			33 0 0		33 0 0	
	Do	Do	1 0	1 0 0	Patrick Duffy	1 0 0		67 0 0			
	Do	Do	1 0	1 0 0	Do			46 0 0		46 0 0	
	Do	Do	1 0	1 0 0				133 0 0		133 0 0	
	Do	Do				1 0 0		38 0 0			
	Do	Do				1 0 0		47 0 0			
	Do	Do				1 0 0		60 0 0			
	Do	Do				1 0 0		51 0 0			
	Do	Do				1 0 0		60 0 0			
	Do	Do				1 0 0		44 1 0			
	Do	Do				1 0 0		61 0 0			
	Do	Do				1 0 0		84 0 0			
	Do	Do	1 0	2 8 0	Martin Hennessy			30 0 0		72 0 0	
	Do	Do	1 0	1 0 0	Do			30 0 0		30 0 0	
	Do	Do	1 0	1 0 0	Do			30 0 0		30 0 0	
Oct. 10	Casino	Richmond River	1 5	1 5 0	J. Atkinson and A. McKellar			14 1 0		17 16 3	
	Do	Do	1 5	1 5 0	Do			14 1 0		17 16 3	
	Do	Do	1 5	1 5 0	Mary Maud Garrard			14 1 0		17 16 3	
	Do	Do	1 5	1 5 0	J. Atkinson and A. McKellar			14 1 0		17 16 3	
	Do	Do				1 5 0		17 0 0			

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Date.	Place.						Country.	Suburban.		
1860.			£ s.	£ s. d.			a r. p.	a. r. p.	£ s. d.	£ s. d.
Oct. 16	Penrith	Penrith								
	Do	Do								
	Do	Do								
	Do	Do								
	Do	Do								
	Do	Do								
	Do	Do								
	Do	Do								
	Do	Do								
	Do	Do								
Oct. 18	Grafton	Grafton	4 0	4 0 0	Edward David Ogilvie ..	.....	.....	10 0 14	40 7 0	
	Do	Do						10 1 0		
	Do	Do						12 1 20		
	Do	Do	4 0	4 0 0	Edward David Ogilvie ..	.....	.....	12 1 20	49 10 0	
Oct. 22	Carcoar	Carcoar	1 0	1 0 0	Barnard Stimpson ..	.....	.....		38 0 0	38 0 0
	Do	Do							49 0 0	
	Do	Do							34 0 0	
	Do	Do							33 0 0	
	Do	Do							34 0 0	
	Do	Do							22 0 0	
	Do	Do	1 0	1 0 0	William Leabeater ..	.....	.....		26 0 0	26 0 0
	Do	Do							33 0 0	
	Do	Do							35 0 0	
	Do	Do							38 0 0	
	Do	Do							37 0 0	
	Do	Do							40 0 0	
	Do	Do							39 0 0	
	Do	Do							49 0 0	
	Do	Do							44 0 0	
	Do	Do							31 0 0	
	Do	Do							38 0 0	
	Do	Do							44 0 0	
	Do	Do							44 3 0	
	Do	Do							55 0 0	
	Do	Do	1 0	1 0 0	John Allman Burke ..	.....	.....		28 0 0	23 0 0
	Do	Do	1 0	1 0 0	Do ..	.....	.....		27 0 0	27 0 0
	Do	Do							37 0 0	
	Do	Do							41 0 0	
	Do	Do							96 0 0	
	Do	Do							110 0 0	
	Do	Do	1 0	1 0 0	James Flanagan ..	.....	.....		26 1 0	26 5 0
	Do	Do							30 0 0	
	Do	Do							30 0 0	
	Do	Do							30 0 0	
	Do	Do	1 0	1 0 0	James Flanagan ..	.....	.....		29 0 0	29 0 0
	Do	Do							40 0 0	
	Do	Do	1 0	1 0 0	Wm. Montagu Rothery ..	.....	.....		22 0 0	22 0 0
	Do	Do							33 2 0	
	Do	Do							36 0 0	
	Do	Do							40 0 0	
	Do	Do							41 2 0	
	Do	Do							25 2 16	
	Do	Do							35 0 0	
	Do	Do							31 0 0	
	Do	Do							44 0 0	
	Do	Do							36 0 0	
	Do	Do							37 0 0	
	Do	Do							43 0 0	
	Do	Do							42 0 0	
	Do	Do							70 0 0	
	Do	Do							71 0 0	
	Do	Do							44 0 0	
	Do	Do							40 0 0	
	Do	Do							47 0 0	
	Do	Do							40 0 0	
	Do	Do							42 0 0	
	Do	Do							40 0 0	
	Do	Do							45 0 0	
	Do	Do							48 0 0	
	Do	Do							52 0 0	
	Do	Do							47 3 0	
	Do	Do							44 0 0	
	Do	Do							59 0 0	
	Do	Do							30 0 0	
	Do	Do							37 2 0	
	Do	Do	1 0	1 0 0	Thomas Davis, junr. ..	.....	.....		29 2 32	29 14 0
	Do	Do	1 0	1 0 0	John Nicholls ..	.....	.....		36 1 0	36 5 0
	Do	Do	1 0	1 0 0	Do ..	.....	.....		40 0 0	40 0 0
	Do	Do							38 3 0	
	Do	Do							33 0 0	
	Do	Do							27 0 0	
	Do	Do							41 3 0	
	Do	Do							43 3 0	
	Do	Do							44 1 0	

CROWN LANDS.

Date and Place at which the Auction was held.		District in which the Lands were situated.	Upset price per acre of Land sold.	Prices per acre realized in each case.	Names of Purchasers.	Upset price per acre of the land sold, or for which the purchase money was not made good, or the deposit forfeited.	Names of Bidders.	Description of Land.		Amount realized.	Deposit forfeited.
Date.	Place.							Country.	Suburban.		
			£ s.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
1860.											
Oct. 23	Carcoar	Carcoar									
	Do	Do						31 1 0			
	Do	Do						44 2 0			
	Do	Do						31 1 0			
	Do	Do				1 0 0	Julia Mullaley..	30 3 0			
	Do	Do						28 1 20			
	Do	Do						30 0 0			
	Do	Do						32 0 0			
	Do	Do						42 0 0			
	Do	Do	1 0	1 0 0	James Jeremiah Grant ..			50 0 0		50 0 0	
	Do	Do						48 0 0			
	Do	Do						37 0 0			
	Do	Do						29 2 0			
	Do	Do						49 0 0			
	Do	Do						37 0 0			
	Do	Do	1 0	1 0 0	James Jeremiah Grant ..			36 0 0		36 0 0	
	Do	Do						33 0 0			
	Do	Do						35 0 0			
	Goulburn	Goulburn	1 0	1 0 0	Anthony Stephenson ..			48 8 0		48 15 0	
	Do	Do				2 17 6	A. Long ..	103 0 0			29 12 3
	Do	Do	1 0	1 0 0	Thomas M'Cormack ..			32 0 0		32 0 0	
	Do	Do	1 0	1 0 0	James M'Cormack, jun..			48 1 0		48 5 0	
	Do	Do	1 0	1 0 0	John M'Cormack..			47 2 0		47 10 0	
	Do	Do	1 0	1 0 0	Edward Naughton ..			34 0 0		34 0 0	
	Do	Do	1 0	1 0 0	John Macdonell ..			40 0 0		40 0 0	
	Do	Do	1 0	1 0 0	Do ..			40 0 0		40 0 0	
	Do	Do						320 0 0			
	Do	Do	1 0	1 0 0	Francis North ..			39 0 0		39 0 0	
	Do	Do	1 0	1 0 0	Ellen Croak ..			30 0 0		30 0 0	
	Do	Do	1 0	2 10 0	Thomas Coughlan..			45 0 0		112 10 0	
	Do	Do						45 0 0			
	Do	Do						87 0 0			
	Do	Do	1 0	1 0 0	Ellen Croak ..			47 0 0		47 0 0	
	Do	Do	1 0	1 0 0	William Tosney ..			33 0 0		83 0 0	
	Do	Do						50 0 0			
	Do	Do						47 0 0			
	Do	Do	1 0	1 0 0	John Macdonell ..			90 0 0		90 0 0	
	Do	Do						87 0 0			
	Do	Do						55 2 0			
	Do	Do						35 0 0			
	Do	Do	1 0	1 0 0	Michael Purcell ..			65 0 0		65 0 0	
	Do	Do						53 0 0			
	Do	Do	1 0	1 0 0	Michael Purcell ..			47 0 0		47 0 0	
	Do	Do	1 0	1 0 0	John Roles ..			30 0 0		30 0 0	
Oct. 24	Carcoar	Carcoar						47 0 0			
	Do	Do						34 0 0			
	Do	Do						32 0 0			
	Do	Do						33 0 0			
	Do	Do	1 0	1 0 0	Joseph West, jun.			41 0 0		42 0 0	
	Do	Do						42 0 0			
	Do	Do	1 0	1 0 0	Joseph West, jun.			26 2 0		29 5 0	
	Do	Do	1 0	1 0 0	Joseph West, jun.			29 1 0		29 5 0	
	Do	Do	1 0	1 0 0	Joseph West, jun.			41 0 0		34 0 0	
	Do	Do						34 0 0		34 0 0	
	Do	Do						30 0 0			
	Do	Do						29 0 0			
	Do	Do	1 0	1 0 0	John Hoban ..			42 0 0		30 0 0	
	Do	Do						30 0 0		30 0 0	
	Do	Do	1 0	1 0 0	Joseph West, jun.			42 0 0		39 0 0	
	Do	Do						39 0 0		39 0 0	
	Do	Do						33 0 0			
	Do	Do	1 0	1 0 0	Joseph West, jun.			30 0 0		40 0 0	
	Do	Do						40 0 0		40 0 0	
	Do	Do						35 0 0			
	Do	Do						39 2 0			
	Do	Do						206 0 0			
	Do	Do							5 5 0		
	Do	Do							5 5 0		
	Do	Do	4 0	5 1 0	Clarissa Jane Alford ..			0 3 30		4 14 9	
	Do	Do	4 0	4 1 0	Do ..			0 3 30		3 15 11	
	Do	Do	4 0	4 0 0	Do ..			0 3 30		3 15 0	
	Do	Do	4 0	4 0 0	Hugh Mortimer Rowland ..			0 3 30		3 15 0	
	Do	Do	4 0	4 0 0	Do ..			0 3 30		3 15 0	
	Condoublin	Molong				4 0 0		1 1 14			
	Do	Do				4 0 0		1 0 10			
	Do	Do				4 0 0		1 0 10			
	Tamworth..	Tamworth..	1 0	1 0 0	George Swain ..			36 0 0		36 0 0	
	Do	Do	1 0	1 0 0	William M'Clelland ..			41 0 0		41 0 0	
	Do	Do				1 0 0		45 0 0			
	Do	Do				1 0 0		56 0 0			
	Do	Do				1 0 0		38 0 0			
	Do	Do				1 0 0		31 0 0			
	Do	Do				1 0 0		36 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		40 0 0			

CROWN LANDS.

Date and Place at which the Auction was held.		District in which the Lands were situated.	Upset price per acre of Land sold.	Prices per acre realized in each case.	Names of Purchasers.	Names of Bidders.	Description of Land.		Amount realized.	Deposit forfeited.
Date.	Place.						Country.	Suburban.		
1860.										
Oct. 29.	Orange	Orange	£ 1 0	£ 1 0 0	John Collins	.....	a. r. p.	a. r. p.	£ 41 0 0	£ 0 0 0
	Do	Do	1 0	1 0 0	Daniel Sherry	.....	33 0 0	.....	33 0 0	0 0 0
	Do	Do	1 0	1 0 0	John Collins	.....	30 0 0	.....	30 0 0	0 0 0
	Do	Do				1 0 0	39 2 26			
	Do	Do				1 0 0	40 0 0			
	Do	Do				1 0 0	30 2 0			
	Do	Do				1 0 0	50 0 0			
	Do	Do				1 0 0	36 0 0			
	Do	Do				1 0 0	41 0 0			
	Do	Do				1 0 0	40 0 0			
	Do	Do				1 0 0	44 0 0			
	Do	Do				1 0 0	56 0 0			
	Do	Do				1 0 0	30 0 0			
	Do	Do				1 0 0	37 0 0			
	Do	Do				1 0 0	39 0 0			
	Do	Do				1 0 0	40 0 0			
	Do	Do				1 0 0	37 0 0			
	Do	Do				1 0 0	40 0 0			
	Do	Do	1 0	1 0 0	Alexander Parker	.....	40 0 0	.....	40 0 0	0 0 0
	Do	Do				1 0 0	35 9 0			
	Do	Do				1 0 0	27 0 0			
	Do	Do				1 0 0	64 0 0			
	Do	Do				1 0 0	25 3 14			
	Do	Do				1 0 0	40 0 0			
	Do	Do				1 0 0	38 3 0			
	Do	Do				1 0 0	21 0 0			
	Do	Do				1 0 0	30 1 0			
	Do	Do				1 0 0	30 3 0			
	Do	Do				1 0 0	42 0 0			
	Do	Do	1 0	1 0 0	William Thomas	.....	43 0 0	.....	43 0 0	0 0 0
	Do	Do	1 0	1 0 0	Do	.....	45 0 0	.....	45 0 0	0 0 0
	Do	Do	1 0	1 0 0	William John	.....	42 0 0	.....	42 0 0	0 0 0
	Do	Do	1 0	1 0 0	William Rowe	.....	42 0 0	.....	42 0 0	0 0 0
	Do	Do	1 0	1 0 0	William Oates	.....	29 0 0	.....	29 0 0	0 0 0
	Do	Do	1 0	1 0 0	Richard Glasson	.....	35 0 0	.....	36 0 0	0 0 0
	Do	Do				1 0 0	40 0 0			
	Do	Do				1 0 0	41 0 0			
	Do	Do					18 3 15			
	Do	Do					11 3 3			
	Do	Do	1 0	1 0 0	William Stonestreet	.....	49 3 0	.....	49 15 0	0 0 0
	Do	Do				1 0 0	42 0 0			
	Do	Do				1 0 0	41 0 0			
	Do	Do				1 0 0	49 3 0			
	Do	Do				1 0 0	46 0 0			
	Do	Do				1 0 0	40 0 0			
	Do	Do				1 0 0	41 3 0			
	Do	Do	1 0	1 0 0	Edward Daniel Guinard	.....	45 0 0	.....	45 0 0	0 0 0
	Do	Do				1 0 0	46 0 0			
	Do	Do				1 0 0	21 0 0			
	Do	Do	1 0	1 0 0	George Townsend	.....	89 0 0	.....	80 0 0	0 0 0
	Do	Do	1 0	1 0 0	Richard Glasson	.....	40 0 0	.....	40 0 0	0 0 0
	Do	Do	1 0	1 0 0	Do	.....	38 0 0	.....	33 0 0	0 0 0
	Do	Do				1 0 0	41 0 0			
	Do	Do				1 0 0	42 0 0			
	Do	Do				1 0 0	41 3 0			
	Do	Do				1 0 0	40 1 0			
	Do	Do				1 0 0	45 0 0			
	Do	Do				1 0 0	36 0 0			
30.	Do	Do	1 0	1 0 0	George Milne	.....	49 3 39	.....	49 19 11	0 0 0
	Do	Do	1 0	1 0 0	Edmund Raine	.....	41 0 0	.....	41 0 0	0 0 0
	Do	Do				1 0 0	36 0 0			
	Do	Do				1 0 0	55 0 0			
	Do	Do				1 0 0	30 0 0			
	Do	Do				1 0 0	30 1 0			
	Do	Do	1 0	1 0 0	Thomas Fletcher	.....	44 0 0	.....	44 0 0	0 0 0
	Do	Do				1 0 0	43 2 0			
	Do	Do				1 0 0	35 0 0			
	Do	Do	1 0	1 0 0	John Brown Favell	.....	50 0 0	.....	50 0 0	0 0 0
	Do	Do					24 0 0			
	Do	Do					53 0 0			
	Do	Do					49 0 0			
	Do	Do					34 0 0			
	Do	Do					40 0 0			
	Do	Do					42 0 0			
	Do	Do					41 0 0			
	Do	Do					21 2 0			
	Do	Do	1 0	1 0 0	James Draper	.....	30 0 0	.....	30 0 0	0 0 0
	Do	Do	1 0	1 0 0	Donald McKinnon	.....	30 0 0	.....	30 0 0	0 0 0
31.	Do	Do	1 0	1 0 0	Joseph Glasson	.....	48 2 0	.....	48 10 0	0 0 0
	Do	Do	1 0	1 0 0	Henry Thomas	.....	52 0 0	.....	52 0 0	0 0 0
	Do	Do	1 0	1 0 0	Do	.....	42 0 0	.....	42 0 0	0 0 0
	Do	Do	1 0	1 0 0	Do	.....	44 0 0	.....	44 0 0	0 0 0
	Do	Do				1 0 0	45 1 0			

CROWN LANDS.

Date and Place at which the Auction was held.		District in which the Lands were situated.	Upset price per acre of Land sold.	Prices per acre realized in each case.	Names of Purchasers.	Names of Bidders.	Description of Land.		Amount realized.	Deposit forfeited.
Date.	Place.						Country.	Suburban.		
1860.										
Nov. 2	Mudgee	Mudgee	£ s. d.	£ s. d.			a. r. p.	a. r. p.	£ s. d.	£ s. d.
	Do	Do	1 0	1 0 0	John M'Manus	.....	30 0 0	.....	30 0 0	
	Do	Do					22 1 0			
	Do	Do					30 0 0			
	Do	Do					30 0 0			
	Do	Do					30 0 0			
	Do	Do					40 0 0			
	Do	Do					40 0 0			
	Do	Do	1 0	1 0 0	George Rouse	.....	30 0 0	.....	30 0 0	
	Do	Do	1 0	1 0 0	Do	.....	30 0 0	.....	30 0 0	
	Do	Do	1 0	1 0 0	Do	.....	30 0 0	.....	30 0 0	
	Do	Do	1 0	1 0 0	Do	.....	39 0 0	.....	39 0 0	
	Do	Do	1 0	1 0 0	Do	.....	33 0 0	.....	38 0 0	
	Do	Do	1 0	1 0 0	Edwin Rouse	.....	30 0 0	.....	30 0 0	
	Do	Do	1 0	1 0 0	Evan Richards	.....	42 2 0	.....	42 10 0	
	Do	Do	2 10	2 10 0	Sarah Blackman	.....	.....	7 2 22	19 2 0	
	Do	Do	2 10	2 10 0	Do	.....	.....	5 0 2	15 0 8	
	Do	Do	2 10	2 10 0	Henry Watson Oliver	.....	.....	5 0 0	12 10 0	
	Do	Do	2 10	2 10 0	Do	.....	.....	5 0 0	12 10 0	
	Do	Do	2 10	2 10 0	Evan Richards	.....	.....	5 0 0	12 10 0	
Nov. 5	Nelligen	Broulee					20 2 0			
	Do	Do	1 0	1 0 0	Edward Heffernan	.....	23 3 0	.....	23 15 0	
	Do	Do					20 0 0			
	Do	Do					20 0 0			
	Do	Do					21 0 0			
	Do	Do					21 0 0			
	Do	Do					20 2 0			
	Do	Do					25 2 0			
	Do	Do					28 0 0			
	Do	Do					24 0 0			
	Do	Do	1 0	1 11 0	John Walsh	.....	24 0 0	.....	37 4 0	4 14 0
	Do	Do					26 0 0			
	Do	Do					44 0 0			
	Do	Do					30 0 0			
	Do	Do					29 0 0			
	Do	Do					1 10 0	George Webber	7 2 4	1 3 0
	Do	Do					1 10 0			
	Do	Do					6 3 0			
	Do	Do					5 2 25			
	Do	Do					6 0 0			
	Do	Do					6 1 0			
	Do	Do					11 2 10			
	Do	Do					13 0 16			
	Do	Do	1 10	1 10 0	Charles Hill	.....	12 2 0	.....	16 15 0	
	Do	Do	1 10	1 15 0	James M'Cawley	.....	4 1 0	.....	7 8 9	
	Do	Do	1 10	1 18 0	Do	.....	12 0 16	.....	23 0 0	
	Do	Do					11 3 24			
	Do	Do					10 0 0			
	Do	Do					10 0 0			
	Do	Do					10 2 0			
	Do	Do					10 2 0			
	Do	Do					10 2 0			
	Do	Do					11 2 0			
	Do	Do	1 10	1 10 0	Charles Hill	.....	13 0 0	.....	19 10 0	
	Do	Do	1 10	4 10 0	James M'Cawley	.....	18 3 0	.....	30 0 0	
	Do	Do	1 10	1 10 0	William M'Cawley	.....	15 0 0	.....	22 10 0	
	Do	Do					10 0 0			
	Do	Do					10 2 24			
	Do	Do	1 10	1 10 0	William M'Cawley	.....	12 2 16	.....	18 18 0	
	Do	Do					10 0 0			
	Do	Do					11 1 8			
	Do	Do					14 2 0			
	Do	Do					14 0 0			
	Do	Do					9 2 33			
	Do	Do					13 2 0			
	Do	Do	1 10	1 10 0	John Catlin	.....	6 3 0	.....	10 2 6	
	Do	Do	1 10	1 10 0	Do	.....	5 1 8	.....	7 19 0	
	Do	Do	1 10	1 10 0	William Rowe	.....	6 0 8	.....	9 1 6	
	Do	Do	1 10	1 10 0	John Nixon, junior	.....	6 1 24	.....	9 12 0	
	Do	Do	4 0	4 0 0	Henry Manning	.....	.....	1 1 30	5 15 0	
	Do	Do	4 0	4 1 0	Henry Breen	.....	.....	1 2 0	6 1 6	
	Do	Do	4 0	4 0 0	Do	.....	.....	1 0 14	4 7 0	
	Do	Do					3 2 20			1 2 0
	Do	Do	4 0	4 7 0	Henry Breen	.....	.....	1 1 13	5 18 7	
	Do	Do	4 0	4 0 0	John Walsh	.....	.....	1 2 28	6 14 0	
	Do	Do	4 0	4 5 0	J. Gouldshoroug Lenmon	.....	.....	1 2 22	6 19 3	
	Do	Do	4 0	4 0 0	Do	.....	.....	1 2 16	6 8 0	
	Do	Do					26 0 0	W. H. Alexander	2 1 12	6 1 0
Nov. 6	West Kempsey	Macleay River					47 0 0			
	Do	Do					91 0 0			
	Do	Do					91 0 0			
	Do	Do					35 0 0			
	Do	Do					22 0 0			
	Do	Do					40 0 0			
	Do	Do					5 1 0		

CROWN LANDS.

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Date.	Place.						Country.	Suburban.		
1860.										
Nov. 12	Eden	Eden	£ s.	£ s. d.			a. r. p.	a. r. p.	£ s. d.	£ s. d.
	Do	Do				M. Brodnitz	2 0 0			0 13 0
	Do	Do					2 0 0			
	Do	Do	3 0	3 0 0	John Slattery	James Lang	2 2 12		7 14 6	0 12 0
	Do	Do	3 0	4 10 0	George Barclay		2 2 20		11 16 3	
	Do	Do	3 0	4 0 0	Do		2 0 0		8 2 0	
	Do	Do	3 0	3 5 0	Do		2 0 0		6 10 0	
	Do	Do	3 0	4 8 0	Do		3 2 25		16 1 9	
Nov. 13	Dungog Rylstone	Dungog Rylstone				Thomas Barnaby	150 0 0			11 13 9
	Do	Do					33 0 0			
	Do	Do					40 0 0			
	Do	Do	1 0	1 0 0	George Phelps		67 0 0			
	Do	Do				Michael Moore..	30 0 0		30 0 0	2 0 0
	Do	Do	1 0	1 0 0	Robert & William Martin.	Do	20 0 0		20 0 0	2 0 0
	Do	Do					30 0 0			
	Do	Do					27 0 0			
	Do	Do					40 0 0			
	Do	Do	1 0	1 0 0	William Bowman		33 0 0		35 0 0	
	Do	Do					51 0 0			
	Do	Do	1 0	3 5 0	Robert Fitzgerald		30 0 0		97 10 0	
	Do	Do	1 0	1 0 0	Do		100 0 0		100 0 0	
	Do	Do	1 0	1 0 0	Do		30 0 0		30 0 0	
	Do	Do					31 0 0			
	Do	Do					33 0 0			
	Do	Do					1 0 0			
	Do	Do					31 0 0			
	Do	Do					49 0 0			
	Do	Do					108 0 0			
	Do	Do					38 0 0			
	Do	Do					48 0 0			
	Do	Do					30 0 0			
	Tamworth	Tamworth	1 0	1 3 0	Joshua Dowe		54 0 0		75 12 0	
	Do	Do	1 0	1 8 0	Do		49 0 0		63 12 0	
	Do	Do		1 6 0	William Sottatree		40 0 0		52 0 0	
	Do	Do		1 5 0	James Barnett		24 3 0		30 18 9	
	Do	Do		1 6 0	Ralph Rawling		12 0 0		15 12 0	
	Do	Do		1 4 0	Thomas Hobbs		8 2 0		10 4 0	
	Do	Do		1 0 0	George Veness		30 0 0		30 0 0	
	Do	Do		1 0 0	James Muggleton		42 0 0		42 0 0	
	Do	Do		1 0 0	Daniel Veness		52 0 0		52 0 0	
	Do	Do		1 4 0	James Muggleton		52 0 0		62 8 0	
	Do	Do		1 0 0	{ Richard, William, Isaac,		53 0 0		53 0 0	
	Do	Do		1 0 0	{ Mary Ann, & Charles		54 0 0		54 0 0	
	Do	Do		1 1 0	Coulton					
	Do	Do		1 0 0	James M'Namara		41 0 0		43 1 0	
	Do	Do		1 0 0	Richard, William, Isaac, & Mary Ann Coulton					
	Do	Do		1 0 0	William Thompson		52 0 0		52 0 0	
	Do	Do		1 0 0	James Muggleton		52 0 0		52 0 0	
	Do	Do		1 8 0	Do		41 0 0		57 8 0	
	Do	Do		1 8 0	Do		48 0 0		67 4 0	
	Do	Do		1 4 0	Richard, William, Isaac, & Mary Ann Coulton					
	Do	Do		1 17 0	James Muggleton		64 0 0		76 16 0	
	Do	Do		1 19 0	Do		52 0 0		96 4 0	
	Do	Do	1 0	2 0 0	Richard, Wm., Isaac, Mary Ann, & Chas. Coulton.		52 0 0		101 8 0	
Nov. 14	Hartley	Hartley					56 0 0		112 0 0	
	Do	Do	1 0	1 0 0	Samuel Osborne		30 0 0			
	Do	Do	1 0	1 0 0	Robert Yeoman		31 0 0		31 0 0	
	Do	Do					30 0 0		30 0 0	
	Do	Do					31 2 0			
	Do	Do	1 0	1 0 0	Michael Corlis		32 2 0			
	Do	Do	1 0	1 0 0	Do		31 1 0		31 5 0	
	Do	Do	1 0	1 0 0	Do		29 1 0		29 5 0	
	Do	Do	1 0	1 0 0	Do		31 2 0		31 10 0	
	Do	Do	1 0	1 0 0	Do		33 0 0		33 0 0	
	Do	Do					42 0 0			
	Do	Do					53 0 0			
	Do	Do					1 0 0			
	Do	Do					50 0 0			
	Do	Do					1 0 0			
	Do	Do					41 0 0			
	Do	Do					108 0 0			
	Do	Do					33 0 0			
	Do	Do					53 0 0			
	Do	Do	4 0	4 0 0	Patrick Walsh		35 0 0	1 0 26	4 13 0	
	Do	Do						1 0 27		
	Do	Do						2 2 27		
	Do	Do						2 2 0		
Nov. 15	Carcoar	Carcoar					3 0 26			
	Do	Do					4 0 6			
	Do	Do					3 0 19			
	Do	Do					2 10 0			
	Do	Do					3 1 10			
	Do	Do					2 10 0			

CROWN LANDS.

Date and Place at which the Auction was held.		District in which the Lands were situated.	Upset price per acre of Land sold.	Prices per acre realized in each case.	Names of Purchasers.	Upset price per acre of lots not bid for or withdrawn from sale, or the purchase money was not made good, or the deposit forfeited.	Names of Bidders.	Description of Land.		Amount realized.	Deposit forfeited.
Date.	Place.							Country.	Suburban.		
1860.			£ s.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
Nov. 15	Carcoar	Carcoar									
	Do	Do				2 10 0					
	Do	Do				2 10 0					
	Do	Do				3 0 0					
	Do	Do				3 0 0					
	Do	Do				4 0 0					
	Do	Do				4 0 0					
	Do	Do				4 0 0					
	Do	Do				4 0 0					
Nov. 21	Burrowa	Binalong	1 0	1 0 0	Richard Kelly			32 0 0		32 0 0	
	Do	Do	1 0	1 0 0	Alice Gibson			32 0 0		32 0 0	
	Do	Do	1 0	1 0 0	Richard Kelly			26 0 0		26 0 0	
	Do	Do	1 0	1 0 0	Do			36 0 0		36 0 0	
	Do	Do	1 0	1 0 0	Do			34 0 0		34 0 0	
	Do	Do	1 0	1 0 0	Alice Gibson			30 0 0		30 0 0	
	Do	Do	1 0	1 0 0	Do			35 0 0		35 0 0	
	Do	Do	1 0	1 0 0	John Williams			29 3 0		29 15 0	
	Do	Do	1 0	1 0 0	John Jones			30 0 0		30 0 0	
	Do	Do	1 0	1 0 0	John Taylor Preston			40 0 0		40 0 0	
	Do	Do	1 0	2 0 0	Alice Gibson			49 0 0		98 0 0	
	Do	Do	1 0	1 11 0	Do			40 0 0		62 0 0	
	Do	Do	1 0	1 0 0	Do			32 0 0		32 0 0	
	Do	Do	1 0	3 1 0	James Carroll			54 1 20		165 16 11	
	Do	Do	1 0	1 0 0	Daniel Ryan			40 2 0		40 10 0	
	Do	Do	1 0	2 1 0	William Broughton			51 3 0		106 1 9	
	Do	Do	1 0	2 1 0	Do			42 0 0		86 2 0	
	Do	Do	1 0	2 19 0	Do			33 0 0		97 7 0	
	Do	Do	1 0	2 11 0	Do			49 0 0		124 19 0	
	Do	Do	1 0	1 2 0	Job Fowler	1 0 0	John Allen	41 0 0			10 5 0
	Do	Do	1 0	1 0 0	Michael Scanlon			33 0 0		79 4 0	
	Do	Do	1 0	2 1 0	Thomas West			35 0 0		85 0 0	
	Do	Do	1 0	2 1 0	Do			36 0 0		73 16 0	
	Do	Do	1 0	1 4 0	John Hadden	1 0 0	Edward Liddiard	42 0 0			8 8 0
	Do	Do	1 0	1 0 0	William Badkin			34 0 0		40 16 0	
	Do	Do	1 0	1 0 0	James Parkman			33 0 0		33 0 0	
	Do	Do	1 0	1 0 0	Do			30 0 0		30 0 0	
	Do	Do	3 0	3 0 0	Job Fowler			30 0 0			
	Do	Do	3 0	3 0 0	Do				2 0 25	6 9 5	
	Do	Do	4 0	4 0 0	Daniel Hancock	3 0 0			2 1 0		
	Do	Do	4 0	4 2 0	Do	4 0 0			1 3 10		
	Do	Do	4 0	4 10 0	Do				1 3 0	7 0 0	
	Do	Do	3 0	3 4 0	Frederick Fisher				1 3 25	8 11 7	
	Do	Do	3 0	3 8 0	James Hayward				2 1 30	7 16 0	
	Do	Do	3 0	3 1 0	Thomas Robinson				2 1 14	7 19 0	
	Do	Do	3 0	3 1 0	Do				2 1 0	6 17 3	
	Do	Do	3 0	3 0 0	Margaret Wilson				2 0 25	6 11 7	
	Do	Do	3 0	3 0 0	Do				2 0 17	6 6 6	
	Do	Do	3 0	3 0 0	Do	3 0 0			2 0 9		
Yass	Yass	Yass	1 0	1 0 0	Edward Slaven			32 0 0		32 0 0	
	Do	Do	1 0	1 0 0	Bridget Slaven			76 3 0		76 15 0	
	Do	Do	1 0	1 0 0	James Loughnan			28 0 32		28 4 0	
	Do	Do	1 0	1 0 0	Michael Rogers			41 0 0		41 0 0	
	Do	Do	1 0	1 0 0	Michael Loughnan			30 0 0		30 0 0	
	Do	Do	1 0	1 0 0	James Loughnan			28 1 0		28 5 0	
	Do	Do	1 0	1 0 0	Michael Rodgers			42 0 0		42 0 0	
	Do	Do	1 0	1 0 0	Bernard M'Sorley			30 0 16		30 3 0	
	Do	Do	1 0	1 0 0	Do			30 0 0		30 0 0	
	Do	Do	1 0	1 0 0	Thomas Frost	1 0 0		41 0 0			
	Do	Do	1 0	1 0 0	Do			39 0 0		98 0 0	
	Do	Do	1 0	1 0 0	Thomas Glennan			31 0 0		31 0 0	
	Do	Do	1 0	1 0 0	Do			30 0 0		30 0 0	
	Do	Do	1 0	1 0 0	Do			37 0 0		37 0 0	
	Do	Do				1 0 0		50 0 0			
	Do	Do				1 0 0	Mark Gallagher	52 0 0			9 17 8
	Do	Do				1 0 0	Do	41 0 0			7 3 6
	Do	Do				1 0 0	J. Millane, senr.	32 1 0			4 16 9
	Do	Do				1 0 0	Do	85 0 0			
	Do	Do				1 0 0	J. Millane, senr.	37 1 0			5 11 9
	Do	Do				1 0 0	Do	50 0 0			
	Do	Do				1 0 0	Do	50 0 0			
	Do	Do	1 0	1 0 0	Michael Glennan			30 0 0			30 0 0
	Do	Do				1 0 0	Denis Breen	41 0 0			6 3 0
	Do	Do				1 0 0	Do	37 0 0			3 14 0
	Do	Do	1 0	1 0 0	Denis Breen			33 0 0		33 0 0	
	Do	Do	1 0	1 0 0	Martin Tully			35 0 0		35 0 0	
	Do	Do	1 0	1 0 0	Do			139 0 0		139 0 0	
	Do	Do	1 0	1 0 0	John Millane, senr.			39 0 0		39 0 0	
	Do	Do				1 0 0	Do	32 0 0			
	Do	Do	1 0	1 0 0	Denis Breen			35 2 0		35 10 0	
	Do	Do	1 0	1 0 0	John Loughnan			39 0 0		39 0 0	
	Do	Do	1 0	1 0 0	Martin Tully			78 1 0		78 5 0	
	Do	Do	1 0	1 0 0	Michael Costolo			40 0 0		40 0 0	
	Do	Do	1 0	1 0 0	Do			24 0 0		24 0 0	
	Do	Do	1 0	1 0 0	Do			30 0 0		30 0 0	

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Date.	Place.						Country.	Suburban.		
1860.			£ s.	£ s. d.		£ s. d.	a. r. p.	a. r. p.	£ s. d.	£ s. d.
Nov. 21	Yass	Yass	1 0	1 0 0	John Loughnan ..	1 0 0	41 0 0			
	Do	Do	1 0	1 0 0	Patrick Tully ..		83 2 0		83 15 0	
	Do	Do	1 0	1 0 0	Do ..		50 0 0		50 0 0	
	Do	Do	1 0	1 0 0	Do ..		175 0 0		175 0 0	
	Do	Do	1 0	1 0 0	Patrick Clancy, junior ..		164 0 0		164 0 0	
	Do	Do	1 0	1 0 0	Do ..	Timothy Doyle..	30 0 0			3 0 0
	Do	Do	1 0	1 0 0	Joseph Long ..		27 0 0		27 0 0	
	Do	Do	1 0	1 0 0	William Toohy ..		40 0 0		40 0 0	
	Do	Do	1 0	1 0 0	Joseph Wallace ..		30 0 0		30 0 0	
	Do	Do	1 0	1 0 0	Do ..		27 1 0		27 5 0	
	Do	Do	1 0	1 0 0	John Mitchell ..		31 0 0		31 0 0	
	Do	Do	1 0	1 0 0	Samuel Francis ..		40 0 0		40 0 0	
	Do	Do	1 0	1 0 0	John Toohy ..		41 0 0		41 0 0	
	Do	Do	1 0	1 0 0	Do ..		30 0 0		30 0 0	
	Do	Do	1 0	1 0 0	Do ..		35 0 0		35 0 0	
	Do	Do	1 0	1 0 0	Arthur Bush, senior ..		32 2 0		32 10 0	
	Do	Do	1 0	1 0 0	James Bush ..		34 2 0		34 10 0	
	Do	Do	1 0	1 0 0	William Bush ..		40 2 0		40 10 0	
	Do	Do	1 0	1 0 0	William Randall ..		30 0 0		30 0 0	
	Do	Do	1 0	1 0 0	Ambrose Alchin, junior ..		40 0 0		40 0 0	
	Do	Do	1 0	1 0 0	Arthur Poole ..		30 0 0		30 0 0	
	Do	Do	1 0	1 0 0	John Bush, senior ..		32 0 0		32 0 0	
	Do	Do	1 0	1 0 0	George Bush ..		23 0 0		23 0 0	
	Do	Do	1 0	1 0 0	Robert Dowling ..		42 0 0		42 0 0	
	Do	Do	1 0	1 6 0	Do ..		61 0 0		79 6 0	
	Do	Do	1 0	1 10 0	Do ..		31 0 0		46 10 0	
	Do	Do	1 0	2 0 0	Do ..		63 0 0		106 0 0	
	Do	Do			Robert Dowling ..	1 0 0	48 0 0			7 4 0
	Do	Do			Do ..	1 0 0	32 0 0			8 6 5
	Do	Do			Do ..	1 0 0	30 0 0			5 2 0
	Do	Do			Do ..	1 0 0	25 2 0			3 19 1
	Do	Do			Do ..	1 0 0	40 0 0			7 0 0
	Do	Do			Do ..	1 0 0	32 0 0			5 2 5
	Do	Do			Do ..	1 0 0	34 0 0			7 13 0
	Do	Do			Do ..	1 0 0	33 0 0			
	Do	Do			Do ..	1 0 0	45 0 0			
	Do	Do	1 0	2 0 0	Thomas Southwell, junr. ..		31 0 0		62 0 0	
	Do	Do	1 0	1 12 0	Do ..		35 0 0		55 0 0	
	Do	Do	1 0	1 0 0	Do ..		31 0 0		31 0 0	
	Do	Do	1 0	1 0 0	Do ..		38 0 0		38 0 0	
	Do	Do			Do ..	1 0 0	30 0 0			4 10 0
	Do	Do			Do ..	1 0 0	32 1 0			9 10 4
	Do	Do			Do ..	1 0 0	40 0 0			12 0 0
	Do	Do			Do ..	1 0 0	44 0 0			16 10 0
Nov. 22	Do	Do			Do ..	1 0 0	50 0 0			15 0 0
Nov. 26	Tumut	Tumut			Do ..	1 0 0	33 0 0			
	Do	Do			Do ..	1 0 0	46 0 0			
	Do	Do			Do ..	1 0 0	43 0 0			
	Do	Do			Do ..	1 0 0	53 0 0			
	Do	Do			Do ..	1 0 0	45 1 0			
	Do	Do			Do ..	1 0 0	24 1 32			
	Do	Do			Do ..	1 0 0	32 0 0			
	Do	Do			Do ..	1 0 0	45 0 0			
	Do	Do			Do ..	1 0 0	45 0 0			
	Do	Do			Do ..	1 0 0	40 0 0			
	Do	Do			Do ..	1 0 0	40 0 0			
	Do	Do			Do ..	1 0 0	69 0 0			
	Do	Do			Do ..	1 0 0	51 0 0			
	Do	Do			Do ..	1 0 0	60 1 0			
	Do	Do			Do ..	1 0 0	53 3 0			
	Do	Do			Do ..	1 0 0	66 1 0			
	Do	Do			Do ..	1 0 0	89 0 0			
	Do	Do			Do ..	1 0 0	54 0 0			
	Do	Do			Do ..	1 0 0	40 0 0			
	Do	Do			Do ..	1 0 0	23 3 13			
	Do	Do			Do ..	1 0 0	23 0 33			
	Do	Do			Do ..	1 0 0	40 0 0			
	Do	Do			Do ..	1 0 0	50 0 0			
	Do	Do			Do ..	1 0 0	40 0 0			
	Do	Do			Do ..	1 0 0	22 1 8			
	Do	Do			Do ..	1 0 0	21 1 16			
	Do	Do			Do ..	1 0 0	54 0 0			
	Do	Do			Do ..	1 0 0	54 1 0			
	Do	Do			Do ..	1 0 0	15 0 8			
	Do	Do			Do ..	1 0 0	23 2 32			
	Do	Do			Do ..	1 0 0	26 1 30			
	Do	Do			Do ..	1 0 0	30 3 9			
	Do	Do			Do ..	1 0 0	30 0 26			
	Do	Do			Do ..	1 0 0	35 2 0			
	Do	Do			Do ..	1 0 0	32 3 0			4 2 0
	Do	Do			Do ..	1 0 0	30 0 0			
	Do	Do	1 0	1 0 0	John Bray, senior ..	1 0 0	141 0 0		141 0 0	
	Do	Do			Do ..	1 0 0	91 3 0			

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Date.	Place.							Country.	Suburban.		
1860.											
Nov. 26	Tumut	Tumut	£ s.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£. s. d.
	Do	Do	1 0	1 0 0	Angus Rankin	1 0 0		83 1 0			
	Do	Do	1 0	1 0 0	Do			68 0 0		68 0 0	
	Do	Do						42 0 0		42 0 0	
	Do	Do				1 0 0		100 2 0			
	Do	Do				1 0 0		99 0 0			
	Do	Do				1 0 0		98 0 0			
	Do	Do				1 0 0		94 0 0			
	Do	Do	1 0	1 0 0	Angus Rankin			103 0 0		103 0 0	
	Do	Do	1 0	1 10 0	Do			83 0 0		128 13 0	
	Do	Do	1 0	1 13 0	Do			64 0 0		105 12 0	
	Do	Do				1 0 0		88 3 0			
	Do	Do				1 0 0		158 3 0			
	Do	Do				1 0 0		165 1 0			
	Do	Do				1 0 0		101 2 0			
	Do	Do				1 0 0		80 2 0			
	Do	Do				1 0 0		80 3 0			
Nov. 29	Eden	Eden	3 0	3 0 0	Harding Giffard King				4 3 0	14 5 0	
	Do	Do	2 10	2 12 0	Do				6 1 35	16 16 6	
	Glen Innes	Wellingrove				1 0 0		45 0 0			
	Do	Do				1 0 0		47 0 0			
	Do	Do				1 0 0		43 0 0			
	Do	Do				1 0 0		42 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		54 0 0			
	Do	Do	4 0	4 0 0	Duncan McIntyre			45 0 0			
	Do	Do	4 0	4 0 0	Catherine McIntyre				1 1 0	5 0 0	
	Do	Do	3 0	3 0 0	Do				1 1 6	5 3 0	
	Do	Do							2 1 38	7 9 3	
	Do	Do				3 0 0			2 2 17		
	Do	Do				4 0 0			1 1 0		
	Do	Do				4 0 0			1 2 9		
Dec. 1	Gosford	Brisbane Water	1 0	In full.	Edward Kelly			76 0 0		300 0 0	
	Do	Do				1 0 0	H. N. Woolfrey..	29 2 0			4 10 0
	Do	Do				1 0 0	Wm. T. Cape ..	46 0 0			4 10 0
	Do	Do	1 0	1 0 0	Ed. Hammond Hargraves			30 3 0			
	Do	Do	1 0	1 0 0	Do			50 1 0		50 5 0	
	Do	Do				1 0 0	Edward Taylor...	30 0 0		30 0 0	
	Do	Do	1 0	1 0 0	Ed. Hammond Hargraves			60 0 0		60 0 0	
	Do	Do	1 0	1 0 0	Do			50 0 0		50 0 0	
	Do	Do				1 0 0	Edward Taylor...	40 0 0			4 0 0
	Do	Do				1 0 0		40 0 0			
	Do	Do	1 0	1 0 0	Edward Taylor			40 0 0		40 0 0	
	Do	Do	1 0	1 0 0	Ed. Hammond Hargraves			48 0 0		48 0 0	
	Do	Do	1 0	1 0 0	Do			50 0 0		50 0 0	
	Do	Do				1 0 0		33 0 0			
	Do	Do	2 10	4 0 0	Thomas Watkins			11 2 0		46 0 0	
	Do	Do				2 10 0			10 0 0		
	Do	Do				2 10 0			10 0 0		
	Do	Do				2 10 0			10 0 0		
	Do	Do				2 10 0			13 0 0		
	Do	Do				2 10 0			10 0 0		
	Do	Do				2 10 0			10 0 0		
	Do	Do				2 10 0			10 0 0		
	Do	Do				2 10 0			10 0 0		
	Do	Do				2 10 0			10 0 0		
	Do	Do				2 10 0			13 0 0		
	Do	Do				2 10 0			9 1 30		
	Do	Do				2 10 0			9 1 30		
	Do	Do				2 10 0			14 1 14		
	Do	Do				2 10 0			12 0 0		
	Do	Do				2 10 0			7 3 24		
	Do	Do				2 10 0			7 3 24		
	Do	Do				2 10 0			8 2 30		
	Do	Do				2 10 0			8 2 30		
	Do	Do				2 10 0			13 0 22		
	Do	Do				2 10 0			16 0 12		
	Do	Do				2 10 0			2 2 0		
	Do	Do				2 10 0			2 2 0		
	Do	Do				2 10 0			2 2 0		
	Do	Do				2 10 0			5 0 0		
	Wollongong	Wollongong	1 0	1 15 0	Elias Organ			44 0 0		77 0 0	
	Do	Do	1 0	1 0 0	Joseph Parsons			63 0 0		63 0 0	
	Do	Do				1 0 0		43 0 0			
	Do	Do				1 0 0		44 0 0			
	Do	Do	1 0	1 11 0	Benjamin Marshall			45 0 0		69 15 0	
	Do	Do	1 0	2 11 0	Lewis Grant Gordon			48 2 0		123 13 6	
	Do	Do	1 0	1 12 0	Thomas Purcell			32 2 17		62 3 5	
	Do	Do				1 0 0	Benjn. Marshall	47 0 0			4 14 0
	Do	Do	1 0	1 0 0	George Rutledge			33 0 0		33 0 0	
	Do	Do				1 0 0		44 0 0			
	Do	Do				1 0 0		43 0 0			
	Do	Do				1 0 0		36 0 0			

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Date.	Place.						Country.	Suburban.		
1860.			£ s.	£ s. d.			a. r. p.	£ s. d.	£ s. d.	
Dec. 1	Wollongong	Wollongong					142 0 0			
	Do	Do					185 0 0			
	Do	Do					125 0 0			
Dec. 3	Tambaroora	Wollongong	1 0	1 0 0	John MacEwan .. ..	.....	41 0 0	.....	41 0 0
	Do	Do	1 0	1 0 0	John Johnson .. ..	.....	22 0 0	.....	22 0 0
	Do	Do	1 0	1 0 0	Isaac Reid .. ..	.....	44 0 0	.....	44 0 0
	Do	Do	1 0	1 0 0	Do .. ..	.....	27 2 0	.....	27 10 0
	Do	Do	1 0	1 0 0	Do .. ..	.....	23 1 0	.....	23 5 0
	Wollombi	Wollombi					23 0 0			
	Do	Do	1 0	1 0 0	John Taggart .. ..	.....	30 0 0	.....	30 0 0
	Do	Do				Charles Taggart	25 0 0		2 10 0	
	Do	Do					56 0 0			
	Do	Do					19 0 0			
	Do	Do					39 0 0			
	Do	Do					26 1 24			
	Do	Do	1 0	1 0 0	Edward Chas. Close, junr.	.....	35 1 36	.....	35 9 6
	Do	Do					66 2 0			
	Do	Do					76 3 0			
	Do	Do	1 0	1 0 0	Benjamin Bridge.. ..	.....	38 1 0	.....	38 5 0
	Do	Do					38 1 0			
	Do	Do					44 0 0			
	Do	Do	1 0	1 0 0	Archibald Cameron .. ..	.....	36 1 0	.....	36 5 0
	Do	Do	1 0	1 0 0	Benjamin Bridge.. ..	.....	31 3 0	.....	31 15 0
	Do	Do	1 0	1 0 0	David Davis .. ..	.....	30 0 0	.....	30 0 0
	Do	Do	1 0	1 0 0	William Davis .. ..	.....	20 0 0	.....	41 0 0
	Do	Do					10 0 32			
	Do	Do					2 0 10			
	Do	Do					2 0 10			
	Do	Do					1 1 0			
	Do	Do					6 0 20			
	Do	Do					7 2 38			
	Do	Do					13 0 10			
	Do	Do					10 0 32			
	Do	Do					16 1 0			
	Do	Do	2 10	2 10 0	Moses Jones .. ..	.....	9 3 11	.....	24 10 11
	Do	Do					4 2 18			
	Do	Do	3 0	3 0 0	Moses Jones .. ..	.....	2 2 38	.....	8 4 3
	Do	Do	8 0	3 0 0	Do .. ..	.....	2 0 0	.....	6 0 0
Dec. 4	Armidale	Armidale	3 0	3 0 0	Solemon Cohen .. ..	.....	2 0 0	.....	6 0 0
	Do	Do	3 0	3 0 0	Do .. ..	.....	3 0 0	.....	9 0 0
	Do	Do	3 0	3 0 0	Do .. ..	.....	3 0 0	.....	9 0 0
	Do	Do	3 0	4 5 0	Simon Beckingham .. ..	.....	4 0 0	.....	17 0 0
	Do	Do	3 0	3 0 0	Edward Grover .. ..	.....	4 3 8	.....	14 8 6
	Do	Do	2 10	2 10 0	Do .. ..	.....	5 2 0	.....	13 15 0
	Do	Do	3 0	3 15 0	Edward Baker .. ..	.....	4 0 0	.....	15 0 0
	Do	Do	3 0	3 10 0	Do .. ..	.....	4 0 0	.....	14 0 0
	Do	Do	3 0	10 12 6	Do .. ..	.....	2 0 0	.....	21 5 0
	Do	Do	3 0	8 7 6	Do .. ..	.....	3 0 0	.....	25 2 6
	Do	Do	3 0	5 12 6	Thomas Grover .. ..	.....	4 0 0	.....	22 10 0
	Do	Do	3 0	5 12 6	Edward Grover .. ..	.....	4 3 8	.....	27 0 0
	Do	Do	10 0	10 0 0	Robert Mulligan .. ..	.....	1 0 0	.....	10 0 0
	Do	Do	10 0	10 0 0	Margaret Mulligan .. ..	.....	1 0 0	.....	10 0 0
	Do	Do					1 0 0			
	Do	Do					1 0 0			
	Windsor	Windsor	1 0	1 0 0	William Scott .. ..	.....	40 0 0	.....	40 0 0
	Do	Do					40 0 0			
	Do	Do	1 0	1 0 0	Denis M'Cabe .. ..	.....	41 0 0	.....	41 0 0
	Do	Do					42 0 0			
	Do	Do				James Colreavy	50 3 0			
	Do	Do				Do	49 0 0		4 18 0	
	Do	Do				Do	52 0 0		5 4 0	
	Do	Do					50 0 0		5 0 0	
	Do	Do					48 0 0			
	Do	Do					42 0 0			
	Do	Do					42 0 0			
	Do	Do	2 0	2 0 0	Thomas Gosper .. ..	.....	10 0 0	.....	20 0 0
Dec. 5	Braidwood	Braidwood					31 0 0			
	Do	Do					31 0 0			
	Do	Do	1 0	1 0 0	John Bassingthwaights.. ..	.....	82 2 0	.....	82 10 0
	Do	Do	1 0	1 0 0	Joseph Taylor .. ..	.....	94 3 0	.....	94 15 0
	Do	Do	1 0	2 10 0	Robert Gifford .. ..	.....	60 0 0	.....	150 0 0
Dec. 12	Dubbo	Dubbo	1 5	1 5 0	Edwin Davies .. ..	.....	8 0 16	.....	10 2 6
	Do	Do	1 5	1 5 0	Do .. ..	.....	7 3 38	.....	9 19 4
	Do	Do	1 5	1 5 0	Do .. ..	.....	8 0 17	.....	10 2 8
	Do	Do	1 5	1 5 0	Do .. ..	.....	8 0 39	.....	10 6 1
	Do	Do					8 1 24			
	Do	Do					8 0 24			
	Do	Do					8 0 28			
	Do	Do					8 2 2			
	Do	Do	1 5	1 5 0	James Samuels, junr. .. ..	.....	11 3 19	.....	14 16 9
	Do	Do					11 3 0			
	Do	Do					13 0 6			
	Do	Do					22 0 17			

CROWN LANDS.

Date and Place at which the Auction was held.		District in which the Lands were situated.	Upset price per acre of Land sold.	Prices per acre realized in each case.	Names of Purchasers.	Names of Bidders.	Description of Land.		Amount realized.	Deposit forfeited.
Date.	Place.						Country.	Suburban.		
1860.										
Dec. 12	Dubbo	Dubbo	£ s. d.	£ s. d.	Daniel Scane .. ..	.....	a. r. p.	a. r. p.	£ s. d.	£ s. d.
	Do	Do	1 5	1 5 0	Do	T. W. Samuels..	22 0 38	....	27 16 0	7 10 0
	Do	Do	1 5	3 0 0	George Buck .. ..	.....	23 0 0	....	110 5 0	
	Do	Do			Do		36 3 0			
	Do	Do			Do		47 0 0			
	Do	Do			Do		39 0 0			
	Do	Do			Do		32 1 0			
	Do	Do			Do		28 3 0			
	Do	Do			Do		28 2 0			
	Do	Do			Do		21 3 32			
	Do	Do			Do		21 3 32			
	Do	Do			Do		21 3 32			
Dec. 13	Bathurst	Bathurst	1 0	1 0 0	Michael Kitt .. ..	.....	40 0 0	....	40 0 0	
	Do	Do	1 0	1 0 0	Do .. ..	.....	40 0 0	....	40 0 0	
	Do	Do			Do		43 0 0			
	Do	Do			Do		43 0 0			
	Do	Do			Do		40 3 0			
	Do	Do			Do		40 3 0			
	Do	Do			Do		32 1 0			
	Do	Do			Do		30 0 0			
	Do	Do			Do		30 0 0			
	Do	Do			Do		34 0 0			
	Do	Do			Do		50 0 0			
	Do	Do			Do		32 0 0			
	Do	Do			Do		30 0 0			
	Do	Do			Do		30 0 0			
	Do	Do	1 0	1 0 0	Bernard M'Keon ..	.....	30 0 0	....	30 0 0	
	Do	Do	1 0	1 0 0	James Lambert ..	.....	36 0 0	....	36 0 0	
	Do	Do	1 0	1 0 0	Do .. ..	.....	32 0 0	....	32 0 0	
	Do	Do			Do		33 0 0			
	Do	Do			Do		35 1 0			
	Do	Do	1 0	1 0 0	John M'Keon .. ..	.....	30 0 0	....	30 0 0	
	Do	Do			Do		40 0 0			
	Do	Do			Do		24 1 35			
	Do	Do			Do		26 1 23			
	Do	Do			Do		31 0 0			
	Do	Do			Do		33 3 0			
	Do	Do			Do		54 1 0			
	Do	Do			Do		38 1 0			
	Do	Do			Do		43 0 0			
	Do	Do			Do		40 0 0			
	Do	Do			Do		40 0 0			
	Do	Do			Do		30 0 0			
	Do	Do			Do		43 3 0			
	Do	Do			Do		41 2 0			
	Do	Do			Do		37 1 0			
	Do	Do			Do		31 0 0			
	Do	Do			Do		34 0 0			
	Do	Do			Do		43 0 0			
	Do	Do			Do		34 0 0			
	Do	Do			Do		49 0 0			
	Do	Do			Do		45 2 0			
	Do	Do			Do		48 3 0			
	Do	Do			Do		36 3 0			
Dec. 15	Camden	Camden	1 0	1 0 0	John William Crozier ..	.....	40 0 0	....	40 0 0	
	Do	Do	1 0	1 0 0	George Pearce .. ..	.....	30 0 0	....	30 0 0	
	Do	Do	1 0	1 11 0	J. Carton & E. L. Moore	.....	55 0 0	....	55 5 0	
	Do	Do	1 0	1 0 0	T. Inglis & W. Willis ..	.....	55 0 0	....	55 0 0	
	Do	Do			Do	E. L. Moore &	30 0 0			6 9 0
	Do	Do			Do	E. A. S. Wild		5 3 32		
	Do	Do			Do			5 3 25		
	Do	Do			Do			6 2 3		
	Do	Do			Do			5 2 12		
Dec. 19	Cooma	Cooma								
	Do	Do	3 0	3 0 0	James Kelly .. ..	.....		3 3 0	11 5 0	
	Do	Do	2 10	2 10 0	Joseph Woodcroft ..	.....		6 3 0	16 17 6	
	Do	Do			Do			10 0 20		
	Do	Do	2 10	2 10 0	John Cullen .. ..	.....		5 0 0	12 10 0	
	Do	Do			Do			4 2 22		
	Do	Do			Do			4 1 0		
	Do	Do			Do			27 2 25		
	Do	Do			Do			10 0 0		
	Do	Do	2 10	2 10 0	John Cullen .. ..	.....		10 0 0	25 0 0	
	Do	Do			Do			10 2 0		
	Do	Do			Do			10 2 0		
	Do	Do			Do			10 2 0		
	Do	Do			Do			10 2 0		
	Do	Do			Do			10 2 0		
	Do	Do			Do			10 0 0		
	Do	Do			Do			10 0 0		
	Do	Do			Do			10 0 0		
	Do	Do			Do			10 0 0		
	Do	Do			Do			10 0 0		
	Do	Do			Do			1 0 0		
	Do	Do			Do			2 0 0		

CROWN LANDS.

Date and Place at which the Auction was held.		District in which the Lands were situated.	Upset price per acre of Land sold.	Prices per acre realized in each case.	Names of Purchasers.	Upset price per acre of lots not bid for or withdrawn in purchase money was not made good, or the deposit forfeited.	Names of Bidders.	Description of Land.		Amount realized.	Deposit forfeited.
Date.	Place.							Country.	Suburban.		
1860.			£ s.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
Dec. 19	Cooma	Cooma				2 10 0			8 1 30		
	Do	Do				3 0 0			2 0 0		
	Do	Do				4 0 0			1 0 0		
	Do	Do				4 0 0			1 0 0		
	Do	Do				4 0 0			1 0 0		
	Do	Do				4 0 0			1 1 0		
	Do	Do				3 0 0			4 2 0		
	Do	Do				2 10 0			5 0 14		
	Do	Do				4 0 0			1 1 0		
	Do	Do				4 0 0			1 1 0		
	Do	Do				4 0 0			1 1 0		
	Do	Do	2 10	2 10 0	Maurice Harnett ..	.....	.....	.....	7 0 0	17 10 0	
	Do	Do	2 10	2 10 0	Do ..	.....	.....	.....	5 3 17	14 12 10	
	Do	Do	2 10	2 10 0	Do ..	.....	.....	.....	3 2 0	8 15 0	
	Do	Do	2 10	2 10 0	Do ..	.....	.....	.....	3 0 0	7 10 0	
Dec. 20	Carcoar	Carcoar	2 10	2 10 0	Solomon Meyer ..	.....	.....	.....	5 1 29	13 11 7	
	Do	Do				2 10 0			6 0 32		
	Do	Do				3 0 0			4 3 24		
	Do	Do				3 0 0			4 3 18		
	Do	Do				2 10 0			6 1 8		
	Do	Do				3 0 0			4 2 3		
	Do	Do				3 0 0			3 3 22		
	Do	Do				3 0 0			4 3 25		
	Do	Do				2 10 0			5 3 25		
	Do	Do				2 10 0			7 0 38		
	Do	Do				2 10 0			7 3 36		
	Do	Do				2 10 0			7 1 33		
	Do	Do				2 10 0			7 1 27		
	Do	Do				2 10 0			8 3 32		
	Do	Do	3 0	3 0 0	Solomon Meyer ..	.....	.....	.....	2 1 29	7 5 11	
	Do	Do	3 0	3 0 0	Do ..	.....	.....	.....	2 2 8	7 13 0	
	Do	Do	3 0	3 0 0	Do ..	.....	.....	.....	2 2 10	7 13 9	
	Do	Do	3 0	3 0 0	Do ..	.....	.....	.....	2 1 7	6 17 8	
	Do	Do	3 0	3 0 0	Do ..	.....	.....	.....	2 0 31	6 11 8	
	Do	Do				2 10 0			6 2 28		
	Do	Do				2 10 0			6 1 30		
	Do	Do				3 0 0			4 3 22		
	Do	Do				3 0 0			4 1 33		
	Do	Do	3 0	3 0 0	Hugh Mortimer Rowland	.....	.....	.....	4 2 14	13 15 3	
	Do	Do	3 0	3 0 0	Do ..	.....	.....	.....	4 1 36	13 8 6	
	Do	Do				2 10 0			11 3 21		
	Moruya	Broulee				1 0 0			134 0 0		
	Do	Do				1 0 0			84 0 0		
	Do	Do				1 0 0			103 0 0		
	Do	Do				1 0 0			85 0 0		
	Do	Do				1 0 0			100 0 0		
	Do	Do				1 0 0			173 0 0		
	Do	Do				1 0 0			176 0 0		
	Do	Do				1 0 0			100 0 0		
	Do	Do				1 0 0			166 0 0		
	Do	Do				1 0 0			162 0 0		
	Do	Do				1 0 0			160 0 0		
	Do	Do				1 0 0			166 0 0		
	Do	Do				1 0 0			163 0 0		
	Do	Do	1 0	4 0 0	Henry Clarke ..	.....	.....	.....	40 0 0	160 0 0	
	Do	Do				1 0 0			42 0 0		
	Do	Do	1 0	5 1 0	Henry Clarke ..	.....	.....	.....	40 0 0	202 0 0	
	Do	Do	1 0	5 3 0	Do ..	.....	.....	.....	40 0 0	206 0 0	
	Do	Do	1 0	6 1 0	Do ..	.....	.....	.....	40 0 0	242 0 0	
	Do	Do	1 0	6 1 0	Do ..	.....	.....	.....	40 0 0	242 0 0	
	Do	Do	1 0	5 16 0	Do ..	.....	.....	.....	40 0 0	232 0 0	
	Do	Do	1 0	1 0 0	Do ..	.....	.....	.....	40 0 0	40 0 0	
	Do	Do	1 0	1 0 0	Do ..	.....	.....	.....	38 0 0	38 0 0	
	Do	Do	1 0	1 0 0	Do ..	.....	.....	.....	87 0 0	87 0 0	
	Do	Do	1 0	1 0 0	Do ..	.....	.....	.....	80 0 0	80 0 0	
	Do	Do	1 0	1 0 0	Do ..	.....	.....	.....	88 0 0	88 0 0	
	Do	Do	1 0	1 0 0	Do ..	.....	.....	.....	44 0 0	44 0 0	
	Do	Do				1 0 0			30 0 0		
	Do	Do				1 0 0			32 3 35		
	Do	Do				1 0 0	Chris. Brown ..		32 3 35		
	Do	Do	1 0	1 0 0	Patrick Kelly ..	.....	.....	.....	21 0 0	21 0 0	
	Do	Do	1 0	1 0 0	Lawrence O'Mara ..	.....	.....	.....	21 0 0	21 0 0	
	Do	Do	1 0	1 0 0	Patrick Staunton ..	.....	.....	.....	36 0 0	36 0 0	
	Do	Do				1 0 0			47 0 0		
	Do	Do				1 0 0			43 0 0		
	Do	Do				1 0 0			49 0 0		
	Do	Do				1 0 0			56 0 0		
	Do	Do				1 0 0			73 0 0		
	Do	Do				1 0 0			42 2 15		
	Do	Do				1 0 0			37 0 0		
	Do	Do				1 0 0			43 3 6		
	Do	Do	1 0	1 0 0	Philip Jeffery	60 3 24	60 18 0	
	Do	Do	1 0	1 0 0	John Luck	47 3 15	47 17 0	

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Date.	Place.						Country.	Suburban.		
1860.			£ s.	£ s. d.		£ s. d.	a. r. p.	a. r. p.	£ s. d.	£ s. d.
Dec. 20	Moruya	Broulee				Michael Strahan	47 3 16			4 16 0
	Do	Do					46 0 0			
	Do	Do	1 0	1 0 0	John Luck		46 0 0		46 0 0	
	Do	Do	1 0	1 0 0	Do		43 3 32		47 19 0	
	Do	Do					60 0 0			
	Do	Do					64 0 0			
	Do	Do	1 0	1 17 0	Edward Coughlin		60 0 0		111 0 0	
Dec. 21	Yass	Yass	1 0	2 3 0	John Millane, junr.		30 0 0		64 10 0	
	Do	Do	1 0	1 0 0	Michael Costolo		32 0 0		32 0 0	
	Do	Do	1 0	1 0 0	Do		23 3 0		28 15 0	
	Do	Do	1 0	1 0 0	Do		40 0 0		40 0 0	
	Do	Do	1 0	1 0 0	John Bevery		30 0 0		30 0 0	
	Do	Do	1 0	1 0 0	John T. Preston		34 0 0		34 0 0	
	Do	Do	1 0	1 0 0	Patrick Gillespie		34 0 0		34 0 0	
	Do	Do	1 0	1 0 0	John T. Preston		42 0 0		42 0 0	
	Do	Do	1 0	1 0 0	Do		26 0 0		26 0 0	
	Do	Do	1 0	1 0 0	John Beven		29 0 0		29 0 0	
	Do	Do	1 0	1 0 0	Do		30 0 0		30 0 0	
Dec. 26	Do	Do	1 0	1 0 0	Do		34 0 0		34 0 0	
	Do	Do	1 0	1 0 0	Alexander Abbey		37 0 0		37 0 0	
	Do	Do	1 0	1 0 0	Charles Bulloy		38 0 0		38 0 0	
	Do	Do	1 0	1 0 0	Richard Phillips		15 0 0		15 0 0	
	Do	Do	1 0	1 0 0	Do		22 0 0		22 0 0	
	Do	Do	1 0	1 0 0	Matthew Beven		34 0 0		34 0 0	
	Do	Do	1 0	1 0 0	John Davis		28 0 0		28 0 0	
	Do	Do	1 0	1 0 0	Do		36 0 0		36 0 0	
	Do	Do	1 0	1 0 0	William Medway		60 0 0		60 0 0	
	Do	Do	1 0	1 0 0	James Medway		44 0 0		44 0 0	
	Do	Do	1 0	1 0 0	William Medway		29 0 0		29 0 0	
	Do	Do	1 0	1 0 0	Joseph Hallam		51 3 0		51 15 0	
	Do	Do	1 0	1 0 0	Do		29 2 0		29 10 0	
	Do	Do	1 0	1 0 0	John Smith		30 0 0		30 0 0	
	Do	Do	1 0	1 0 0	Do		29 3 0		29 15 0	
	Do	Do	1 0	1 0 0	Patrick Gillespie		32 0 0		32 0 0	
	Do	Do	1 0	1 0 0	Do		30 0 0		30 0 0	
	Do	Do	1 0	1 0 0		John J. Preston	41 0 0			16 8 0
	Do	Do	1 0	1 0 0	Benjamin M'Knight		30 0 0			
	Do	Do	1 0	1 0 0			29 3 0		29 15 0	
	Do	Do	1 0	1 0 0			32 0 0			
	Do	Do	1 0	1 0 0			37 0 0			
Dec. 21	Do	Do	1 0	1 0 0	Lucinda Reeves		28 0 0			
	Do	Do	1 0	1 0 0			30 0 0		30 0 0	
	Do	Do	1 0	1 0 0			34 0 0			
	Do	Do	1 0	1 0 0	Jonah George		25 0 0		25 0 0	
	Do	Do	1 0	1 0 0	Joseph Newman		161 0 0		161 0 0	
	Do	Do	1 0	1 0 0	Joseph Newman		130 0 0			
	Do	Do	1 0	1 0 0		John Newman	59 0 0		59 0 0	
	Do	Do	1 0	1 0 0		Do	53 0 0			5 6 1
	Do	Do	1 0	1 0 0			41 1 0			4 2 6
	Do	Do	1 0	1 0 0			31 2 0			
Dec. 22	Glen Innes	Wellingrove	1 0	1 0 0			38 0 0			
	Do	Do	1 0	1 0 0			68 0 0			
	Do	Do	1 0	1 0 0			83 0 0			
	Do	Do	1 0	1 0 0			88 0 0			
	Do	Do	1 0	1 0 0			48 0 0			
	Yass	Yass	1 0	1 0 0			46 0 0			
	Do	Do	1 0	1 0 0	John Warn		140 0 0			
	Do	Do	1 0	1 0 0	James Warn		43 0 0		43 0 0	
	Do	Do	1 0	1 0 0	Anthony Stephenson		63 0 0		63 0 0	
	Do	Do	1 0	1 0 0	Thomas Wade		60 0 0		60 0 0	
	Do	Do	1 0	1 0 0	Do		70 0 0		70 0 0	
	Do	Do	1 0	1 0 0			110 0 0		110 0 0	
	Do	Do	1 0	1 0 0			196 0 0			
	Do	Do	1 0	1 0 0	Benjamin Stephenson		132 0 0		132 0 0	
	Do	Do	1 0	1 0 0	James Warn		44 3 0		44 15 0	
	Do	Do	1 0	1 0 0	Thomas Carroll		32 3 0		32 15 0	
	Do	Do	1 0	1 0 0			50 0 0			
	Do	Do	1 0	1 0 0	James & William Christie		104 0 0		104 0 0	
	Do	Do	1 0	1 0 0	J. Christie and J. Hassett		105 0 0		105 0 0	
	Do	Do	1 0	1 0 0	James Hassott		50 0 0		50 0 0	
	Do	Do	1 0	1 4 0	Thomas Gutteridge		30 0 0			
	Do	Do	1 0	1 0 0	John Anderson		32 0 0		33 8 0	
	Do	Do	1 0	1 0 0			31 0 0		31 0 0	
	Do	Do	1 0	1 0 0		George Paining	31 0 0			8 5 2
	Do	Do	1 0	1 0 0		J. Taylor Preston	28 3 0			7 9 6
	Do	Do	1 0	1 0 0	James Lyell		30 1 0		30 5 0	
	Do	Do	1 0	1 0 0	Do		30 0 0		30 0 0	
	Do	Do	1 0	1 0 0			140 0 0			
	Do	Do	1 0	1 0 0	John Warn		43 0 0		43 0 0	
	Do	Do	1 0	1 0 0	James Warn		63 0 0		63 0 0	
	Do	Do	1 0	1 0 0	Anthony Stephenson		60 0 0		60 0 0	

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Date.	Place.							Country.	Suburban.		
1861.			£ s.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
Jan. 9	Sydney	Sydney	10 0	11 0 0	David Hicks	10 0 0	1 0 10	11 13 9	
	Do	Do	10 0	11 0 0	Do	10 0 0	.....	.....	1 1 3	12 13 9	
	Do	Do	10 0	11 0 0	Do	10 0 0	.....	.....	1 1 37	14 16 3	
	Do	Do	10 0	11 0 0	Do	10 0 0	.....	.....	1 2 37	17 6 3	
	Do	Do	10 0	11 0 0	Do	10 0 0	.....	.....	1 3 25	19 1 3	
	Do	Do				10 0 0	.....	.....	2 0 19		
	Do	Do				10 0 0	.....	.....	1 3 32		
	Do	Do				10 0 0	.....	.....	1 2 21		
	Do	Do				10 0 0	.....	.....	1 1 11		
	Do	Do				10 0 0	.....	.....	1 0 1		
	Do	Do				10 0 0	.....	.....	1 0 31		
	Do	Do				10 0 0	.....	.....	1 0 36		
	Do	Do				10 0 0	.....	.....	1 0 36		
	Do	Do				10 0 0	.....	.....	1 0 31		
	Do	Do				10 0 0	.....	.....	1 0 21		
	Do	Do				10 0 0	.....	.....	1 0 20		
	Do	Do				10 0 0	.....	.....	2 1 37		
Jan. 10	Murrurundi.	Murrurundi.	1 0	1 0 0	Samuel Cook	1 0 0	.....	.....	58 0 0	58 0 0	
	Do	Do	1 0	1 0 0	Do	1 0 0	.....	.....	57 0 0	57 0 0	
	Do	Do	1 0	1 0 0	Colin McCallum	1 0 0	.....	.....	26 0 0	26 0 0	
	Do	Do	1 0	2 0 0	J. F. & H. C. White	1 0 0	.....	.....	48 0 0	96 0 0	
	Do	Do	1 0	2 0 0	Do	1 0 0	.....	.....	45 0 0	90 0 0	
	Do	Do				10 0 0	.....	.....	194 0 0		
	Do	Do				10 0 0	.....	.....	48 0 0		
	Do	Do				10 0 0	.....	.....	62 0 0		
	Do	Do	1 0	1 0 0	J. F. & H. C. White	1 0 0	.....	.....	47 0 0	47 0 0	
	Do	Do	1 0	1 0 0	J. F. & H. C. White	1 0 0	.....	.....	48 0 0		
	Do	Do	1 0	1 0 0	Do	1 0 0	.....	.....	31 0 0	31 0 0	
	Do	Do	1 0	1 0 0	Do	1 0 0	.....	.....	28 0 0	28 0 0	
	Do	Do	1 0	1 0 0	Do	1 0 0	.....	.....	45 0 0	45 0 0	
	Do	Do				1 0 0	.....	.....	20 0 0		
	Do	Do				1 0 0	.....	.....	30 0 0		
	Do	Do	1 0	1 11 0	J. F. & H. C. White	1 0 0	Kenneth Urquhart..	.....	30 0 0	46 10 0	5 5 0
	Do	Do				1 0 0	.....	.....	24 0 0		
	Do	Do				1 0 0	J. F. & H. C. White.	.....	25 0 0		
	Do	Do				1 0 0	.....	.....	175 0 0		
	Do	Do				1 0 0	.....	.....	56 0 0		
	Do	Do				1 0 0	.....	.....	99 0 0		
	Do	Do				1 0 0	.....	.....	109 0 0		
	Do	Do				1 0 0	.....	.....	41 0 0		
	Do	Do				1 0 0	.....	.....	51 0 0		
	Do	Do				1 0 0	.....	.....	102 0 0		
	Do	Do				1 0 0	.....	.....	52 0 0		
	Do	Do				1 0 0	.....	.....	36 0 0		
	Do	Do	2 10	2 10 0	Richard Chambers	2 10 0	.....	.....	5 2 0	13 15 0	
	Do	Do	2 10	2 10 0	Do	2 10 0	.....	.....	5 2 0	13 15 0	
	Do	Do				3 0 0	.....	.....	5 0 0		
	Do	Do				3 0 0	.....	.....	5 0 0		
	Do	Do				3 0 0	.....	.....	5 0 0		
	Do	Do	3 0	3 0 0	Alexander Brodie	3 0 0	.....	.....	5 0 0	15 0 0	
	Queanbeyan	Queanbeyan	1 0	1 0 0	John Donnelly	1 0 0	.....	.....	149 0 0	149 0 0	
	Do	Do	1 0	1 0 0	Do	1 0 0	.....	.....	42 0 0	142 0 0	
	Do	Do	1 0	1 0 0	John Donnelly	1 0 0	.....	.....	40 0 0	40 0 0	
	Do	Do				264 2 0	.....	.....	82 0 0		
	Do	Do				3 0 0	Wm. A. Beatty..	.....	4 3 28	3 1 7	
Jan. 12	Nowra	Shealhaven.	1 0	1 0 0	William Nicholson	1 0 0	.....	.....	120 0 0	120 0 0	
	Do	Do	1 0	1 6 0	John Pestell	1 0 0	.....	.....	15 0 0	58 10 0	
	Do	Do	1 0	1 5 0	Do	1 0 0	.....	.....	43 0 0	53 15 0	
	Do	Do	1 0	1 0 0	Samuel Miller	1 0 0	.....	.....	87 0 0	87 0 0	
	Do	Do				83 0 0	.....	.....	
	Do	Do				14 2 27	.....	.....	
	Do	Do	2 10	2 10 0	Mary Anne de Mestre	2 10 0	.....	.....	5 2 10	13 18 2	
	Do	Do					.....	.....	2 2 0		
	Do	Do					.....	.....	2 2 0		
	Do	Do					.....	.....	5 2 20		
	Do	Do					.....	.....	2 2 0		
	Do	Do					.....	.....	2 2 0		
	Do	Do					.....	.....	2 2 0		
	Do	Do					.....	.....	6 1 20		
	Do	Do					.....	.....	2 2 0		
	Do	Do					.....	.....	2 2 0		
	Do	Do					.....	.....	6 2 36		
	Do	Do					.....	.....	2 0 10		
	Do	Do					.....	.....	5 2 24		
	Do	Do					.....	.....	2 2 0		
	Do	Do					.....	.....	2 2 0		
	Do	Do					.....	.....	1 0 0		
	Do	Do					.....	.....	1 0 0		
	Do	Do					.....	.....	1 0 0		
	Do	Do					1 0 0		
Jan. 21	Maitland	Maitland	1 0	1 0 0	John Robertson Nowlan	1 0 0	78 0 0	78 0 0	

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Date.	Place.						Country.	Suburban.		
1861.			£ s. d.	£ s. d.		£ s. d.	a. r. p.	a. r. p.	£ s. d.	£ s. d.
Jan. 21	Maitland	Maitland	1 0	1 0 0	John Robertson Nowlan	78 0 0	78 0 0	
	Do	Do	1 0	1 0 0	Do	.....	78 0 0	.....	78 0 0	
	Do	Do	1 0	1 0 0	Do	.....	79 0 0	.....	79 0 0	
	Do	Do	1 0	1 0 0	Do	.....	81 0 0	.....	81 0 0	
	Do	Do	1 0	1 0 0	Felix Wilson	.....	80 0 0	.....	80 0 0	
	Do	Do	1 0	1 0 0	Do	.....	80 0 0	.....	80 0 0	
	Do	Do	1 0	1 0 0	Do	.....	80 0 0	.....	80 0 0	
	Do	Do				1 0 0	52 2 0			
	Do	Do				1 0 0	57 0 0			
	Do	Do				1 0 0	58 1 0			
	Do	Do				1 0 0	52 2 0			
	Do	Do				3 0 0				
	Do	Do				3 0 0				
	Do	Do						12 2 30		
	Do	Do						12 2 30		
	Do	Do						12 2 30		
	Do	Do						12 2 30		
	Do	Do						12 2 30		
	Parramatta	Parramatta				10 0 0	43 0 0			
	Do	Do				10 0 0	29 0 0			
	Do	Do				10 0 0	20 0 0			
	Do	Do				10 0 0	19 1 0			
	Do	Do				10 0 0	21 1 0			
	Do	Do				10 0 0	25 0 0			
	Do	Do				10 0 0	29 0 0			
	Do	Do				10 0 0	40 0 0			
	Do	Do				10 0 0	33 0 0			
	Do	Do				10 0 0	30 0 0			
	Do	Do				10 0 0	29 1 0			
	Do	Do				10 0 0	21 1 0			
	Do	Do				10 0 0	21 1 0			
	Do	Do				10 0 0	22 1 0			
	Do	Do				10 0 0	22 3 0			
	Do	Do				10 0 0	21 2 0			
	Do	Do				10 0 0	17 0 0			
	Do	Do				10 0 0	16 1 0			
	Do	Do				10 0 0	19 1 0			
	Do	Do	10 0	10 0 0	Francis Onkes	.....	25 2 0		230 0 0	
	Do	Do	10 0	12 0 0	Do	.....	18 1 0		219 0 0	
	Do	Do				10 0 0	25 2 0			
Jan. 22	Albury	Albury				1 0 0	161 2 0			
	Do	Do				1 0 0	162 0 0			
	Do	Do				1 0 0	122 0 0			
	Do	Do	1 0	1 0 0	George Coleman	.....	131 0 0		131 0 0	
	Do	Do				1 0 0	129 0 0			
	Do	Do				1 0 0	112 0 0			
	Do	Do				1 0 0	102 0 0			
	Do	Do	1 0	1 0 0	William Petts	.....	88 0 0		88 0 0	
	Do	Do				1 0 0	111 0 0			
	Do	Do	1 0	1 0 0	Patrick Devine	.....	270 0 0		270 0 0	
	Do	Do	1 0	1 0 0	Edward Devine	.....	161 0 0		161 0 0	
	Do	Do	1 0	1 0 0	James Keogh	.....	186 2 0		186 10 0	
	Do	Do				1 0 0	231 0 0			
	Do	Do				1 0 0	162 1 0			
	Do	Do	1 0	1 0 0	Francis Bunleton	.....	131 1 0		131 5 0	
	Do	Do	1 0	1 0 0	Do	.....	186 0 0		136 0 0	
	Do	Do				1 0 0	108 0 0			
	Do	Do				1 0 0	108 0 0			
	Do	Do				1 0 0	129 0 0			
	Do	Do				1 0 0	118 0 0			
	Do	Do	1 0	1 0 0	George Coleman	.....	112 0 0		112 0 0	
	Do	Do				1 0 0	91 0 0			
	Do	Do	1 0	1 0 0	Richard Pankhurst	.....	107 0 0		107 0 0	
	Do	Do	1 0	1 0 0	Do	.....	94 0 0		94 0 0	
	Do	Do	1 0	1 0 0	David Hamilton	.....	110 0 0		110 0 0	
	Do	Do				1 0 0	129 0 0			
	Do	Do				1 0 0	192 0 0			
	Do	Do				1 0 0	190 0 0			
	Do	Do				1 0 0	173 0 0			
	Do	Do				1 0 0	282 0 0			
	Do	Do				1 0 0	198 0 0			
	Do	Do				1 0 0	175 0 0			
	Do	Do				1 0 0	297 0 0			
	Do	Do				1 0 0	178 1 0			
	Do	Do				1 0 0	169 3 0			
Jan. 23	Sydney	Sydney				1 0 0	80 0 0			
	Do	Do				1 0 0	43 3 0			
	Do	Do				1 0 0	43 3 0			
	Do	Do				1 0 0	41 1 0			
	Do	Do				1 0 0	41 1 0			
	Do	Do				1 0 0	44 0 0			
	Do	Do				1 0 0	40 2 0			
	Do	Do				1 0 0	56 3 0			
	Do	Do				1 0 0	55 3 0			
	Do	Do				1 0 0	56 3 0			

CROWN LANDS.

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Date.	Place.							Country.	Suburban.		
1861.			£ s.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
Feb. 6	Albury	Albury	1 0	1 0 0	James Wyse	50 0 0	50 0 0
	Do	Do	1 0	1 0 0	Do	.....	.....	59 0 0	.....	59 0 0	.....
	Do	Do	1 0	1 0 0	Do	.....	.....	66 0 0	.....	66 0 0	.....
	Do	Do	1 0	1 6 0	Do	.....	.....	48 0 0	.....	62 8 0	.....
	Do	Do	1 0	1 13 0	Do	.....	.....	41 1 0	.....	68 4 6	.....
Feb. 13	Coonabarabran	Dubbo	.....	.....	.....	1 0 0	.....	24 2 0	.....	.....	.....
	Do	Do	.....	.....	.....	1 0 0	.....	22 0 0	.....	.....	.....
	Do	Do	.....	.....	.....	1 0 0	.....	18 2 0	.....	.....	.....
	Do	Do	.....	.....	.....	1 0 0	.....	35 0 0	.....	.....	.....
	Do	Do	.....	.....	.....	1 0 0	.....	35 1 0	.....	.....	.....
	Do	Do	.....	.....	.....	1 0 0	.....	35 1 0	.....	.....	.....
	Do	Do	.....	.....	.....	1 0 0	.....	33 3 0	.....	.....	.....
	Do	Do	1 10	1 10 0	James M'Cubbin..	.....	.....	9 0 0	.....	13 10 0	.....
	Do	Do	1 10	1 10 0	Do	.....	.....	10 0 0	.....	15 0 0	.....
	Do	Do	.....	.....	.....	1 10 0	.....	10 2 0	.....	.....	.....
	Do	Do	.....	.....	.....	1 10 0	.....	19 1 31	.....	.....	.....
	Do	Do	2 0	2 0 0	George White	.....	.....	.....	7 0 0	14 0 0	.....
	Do	Do	2 0	2 0 0	James M'Cubbin..	.....	.....	.....	5 2 0	11 0 0	.....
	Do	Do	2 0	2 0 0	Joseph M'Cullough	.....	.....	.....	1 2 36	3 9 0	.....
	Do	Do	2 0	2 5 0	Do	.....	.....	.....	1 3 27	4 6 6	.....
	Do	Do	2 0	2 0 0	Do	.....	.....	.....	2 2 21	5 5 3	.....
	Do	Do	2 0	2 1 0	David M'Cullough	.....	.....	.....	3 3 37	8 3 3	.....
	Do	Do	2 0	2 0 0	Do	.....	.....	.....	4 0 12	8 3 0	.....
	Do	Do	2 0	2 0 0	George White	.....	.....	.....	4 0 37	8 9 3	.....
	Do	Do	.....	.....	.....	2 0 0	.....	.....	5 1 0	.....	.....
	Do	Do	.....	.....	.....	2 0 0	.....	.....	5 1 29	.....	.....
	Do	Do	.....	.....	.....	2 0 0	.....	.....	5 2 32	.....	.....
	Do	Do	.....	.....	.....	2 0 0	.....	.....	8 3 9	.....	.....
Feb. 15	Paterson	Paterson	8 0	8 0 0	Charles Reynolds	.....	.....	.....	0 1 12	2 12 0	.....
	Do	Do	8 0	8 0 0	Do	.....	.....	.....	0 3 20	7 0 0	.....
	Do	Do	8 0	8 0 0	Do	.....	.....	.....	0 3 20	7 10 0	.....
	Do	Do	4 0	4 0 0	Do	.....	.....	.....	1 0 38	4 16 6	.....
	Do	Do	4 0	4 0 0	Do	.....	.....	.....	1 1 35	5 17 6	.....
	Do	Do	4 0	4 0 0	Do	.....	.....	.....	1 2 38	6 19 0	.....
	Do	Do	3 0	3 0 0	Do	.....	.....	.....	2 2 30	8 1 3	.....
	Do	Do	3 0	3 0 0	Do	.....	.....	.....	2 0 20	6 7 6	.....
	Do	Do	.....	.....	.....	4 0 0	.....	.....	1 0 20	.....	.....
	Do	Do	.....	.....	.....	4 0 0	.....	.....	1 1 21	.....	.....
	Do	Do	.....	.....	.....	4 0 0	.....	.....	1 3 24	.....	.....
	Do	Do	.....	.....	.....	3 0 0	.....	.....	2 1 28	.....	.....
	Do	Do	.....	.....	.....	4 0 0	.....	.....	1 2 24	.....	.....
	Do	Do	.....	.....	.....	3 0 0	.....	.....	3 0 0	.....	.....
	Do	Do	.....	.....	.....	3 0 0	.....	.....	2 3 8	.....	.....
	Do	Do	.....	.....	.....	4 0 0	.....	.....	1 1 0	.....	.....
	Do	Do	4 0	4 0 0	James Halliday Magennis	.....	.....	.....	2 3 16	11 8 0	.....
	Do	Do	4 0	4 0 0	Do	.....	.....	.....	2 3 27	11 13 6	.....
Feb. 19	Maitland	Maitland	.....	.....	.....	1 0 0	.....	67 0 0	.....	.....	.....
	Do	Do	.....	.....	.....	1 0 0	.....	69 0 0	.....	.....	.....
	Do	Do	.....	.....	.....	1 0 0	.....	64 0 0	.....	.....	.....
	Do	Do	.....	.....	.....	1 0 0	.....	63 0 0	.....	.....	.....
	Do	Do	.....	.....	.....	1 0 0	.....	44 0 0	.....	.....	.....
	Do	Do	.....	.....	.....	1 0 0	.....	23 3 0	.....	.....	.....
	Do	Do	.....	.....	.....	1 0 0	.....	42 0 0	.....	.....	.....
	Do	Do	.....	.....	.....	1 0 0	.....	38 0 0	.....	.....	.....
	Do	Do	.....	.....	.....	1 0 0	.....	36 0 0	.....	.....	.....
	Do	Do	.....	.....	.....	1 0 0	.....	70 0 0	.....	.....	.....
	Do	Do	.....	.....	.....	1 0 0	.....	65 0 0	.....	.....	.....
	Do	Do	1 0	1 0 0	Barry Connolly	.....	.....	37 0 0	.....	37 0 0	.....
	Do	Do	.....	.....	.....	1 0 0	.....	46 0 0	.....	.....	.....
	Do	Do	.....	.....	.....	1 0 0	.....	59 3 0	.....	.....	.....
	Do	Do	1 0	1 0 0	Barry Connolly	.....	.....	53 0 0	.....	53 0 0	.....
	Do	Do	.....	.....	.....	1 0 0	.....	49 0 0	.....	.....	.....
	Do	Do	.....	.....	.....	1 0 0	.....	55 0 0	.....	.....	.....
	Do	Do	1 0	1 0 0	Charles King	.....	.....	34 0 0	.....	34 0 0	.....
	Do	Do	1 0	1 0 0	Do	.....	.....	46 0 0	.....	46 0 0	.....
	Do	Do	.....	.....	.....	1 0 0	.....	43 2 0	.....	.....	.....
	Do	Do	.....	.....	.....	1 0 0	.....	67 2 0	.....	.....	.....
	Do	Do	.....	.....	.....	1 0 0	.....	50 0 0	.....	.....	.....
	Do	Do	.....	.....	.....	1 0 0	.....	40 2 0	.....	.....	.....
	Do	Do	.....	.....	.....	1 0 0	.....	40 1 0	.....	.....	.....
	Do	Do	.....	.....	.....	1 0 0	.....	43 0 0	.....	.....	.....
	Do	Do	.....	.....	.....	1 0 0	.....	59 0 0	.....	.....	.....
	Do	Do	.....	.....	.....	1 0 0	.....	40 0 0	.....	.....	.....
	Do	Do	.....	.....	.....	1 0 0	.....	51 0 0	.....	.....	.....
	Do	Do	.....	.....	.....	1 0 0	.....	38 0 0	.....	.....	.....
	Do	Do	.....	.....	.....	1 0 0	.....	60 1 0	.....	.....	.....
	Do	Do	.....	.....	.....	1 0 0	.....	62 0 0	.....	.....	.....
	Do	Do	.....	.....	.....	1 0 0	.....	37 0 0	.....	.....	.....
	Do	Do	.....	.....	.....	1 0 0	.....	60 0 0	.....	.....	.....
	Do	Do	1 0 0	60 0 0
	Do	Do	1 0 0	60 0 0
	Do	Do	1 0	1 0 0	James Ellis	60 0 0	60 0 0
	Do	Do	1 0 0	63 3 0

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Date.	Place.							Country.	Suburban.		
1861.			£ s.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
Feb. 19	Maitland ..	Maitland ..									
	Do ..	Do ..						63 3 0			
	Do ..	Do ..						63 3 0			
	Do ..	Do ..				1 0 0		79 0 0			
	Do ..	Do ..				1 0 0		41 0 0			
	Do ..	Do ..				1 0 0		87 0 0			
	Do ..	Do ..				1 0 0		102 0 0			
	Do ..	Do ..				1 0 0		17 2 13			
	Do ..	Do ..				1 0 0		40 1 0			
	Do ..	Do ..	4 0	6 0 0	James Donaldson ..				0 3 39	5 19 3	
	Do ..	Do ..	4 0	5 0 0	Do ..				1 0 15	5 9 5	
	Do ..	Do ..	4 0	5 0 0	Do ..				1 0 32	6 0 0	
	Do ..	Do ..	4 0	5 7 0	Do ..				1 1 8	6 19 3	
	Do ..	Do ..	4 0	5 1 0	Do ..				1 1 24	7 2 3	
	Do ..	Do ..	4 0	5 1 0	Do ..				1 2 0	7 11 6	
	Do ..	Do ..	4 0	7 12 0	Do ..				0 3 0	5 14 0	
Feb. 26	Grafton ..	Grafton ..				1 0 0		63 0 0			
	Do ..	Do ..				1 0 0		84 0 0			
	Do ..	Do ..				1 0 0		88 0 0			
	Do ..	Do ..				1 0 0		78 0 0			
	Do ..	Do ..				1 0 0		71 0 0			
	Do ..	Do ..				1 0 0		74 0 0			
	Do ..	Do ..				1 0 0		48 2 0			
	Do ..	Do ..				1 0 0		35 0 0			
	Do ..	Do ..				1 0 0		46 0 0			
	Do ..	Do ..				1 0 0		41 3 0			
	Do ..	Do ..				1 0 0		33 0 0			
	Do ..	Do ..	1 0	2 0 0	Archibald Macfarlane ..			65 0 0		110 0 0	
	Do ..	Do ..	1 0	2 5 0	John Macdonald ..			50 0 0		112 10 0	
	Do ..	Do ..	1 0	2 0 0	Do ..			54 0 0		108 0 0	
	Do ..	Do ..	1 0	1 10 0	Do ..			44 0 0		66 0 0	
	Do ..	Do ..				1 0 0		42 0 0			
	Do ..	Do ..				1 0 0		54 0 0			
	Do ..	Do ..				1 0 0		56 2 0			
	Do ..	Do ..				1 0 0		44 0 0			
	Do ..	Do ..				1 0 0		30 0 0			
	Do ..	Do ..				1 0 0		31 2 0			
	Do ..	Do ..				1 0 0		33 0 0			
	Do ..	Do ..				1 0 0		38 0 0			
	Do ..	Do ..				1 0 0		39 3 0			
	Do ..	Do ..				1 0 0		41 3 0			
	Do ..	Do ..				1 0 0		42 0 0			
	Do ..	Do ..				1 0 0		44 0 0			
	Do ..	Do ..				1 0 0		46 0 0			
	Do ..	Do ..				1 0 0		32 0 0			
	Do ..	Do ..				1 0 0		33 2 0			
	Do ..	Do ..				1 0 0		35 0 0			
	Do ..	Do ..				1 0 0		44 0 0			
	Do ..	Do ..				1 0 0		45 0 0			
	Do ..	Do ..				1 0 0		57 0 0			
	Do ..	Do ..				1 0 0		28 0 0			
	Do ..	Do ..				1 0 0		32 0 0			
	Do ..	Do ..				1 0 0		35 0 0			
	Do ..	Do ..				1 0 0		81 0 0			
	Do ..	Do ..				1 0 0		62 0 0			
	Do ..	Do ..				1 0 0		43 3 0			
	Do ..	Do ..				1 0 0		45 0 0			
	Do ..	Do ..				1 0 0	L. C. Finlay....	37 0 0			3 14 0
	Do ..	Do ..				1 0 0		47 0 0			
	Do ..	Do ..				1 0 0		71 0 0			
	Do ..	Do ..	1 0	4 0 0	William Ensby ..			49 0 0		192 0 0	
	Do ..	Do ..	1 0	3 9 0	John Brown ..			54 0 0		186 6 0	
	Do ..	Do ..	1 0	2 7 0	Alexander M'Kay ..			48 0 0		112 16 0	
	Do ..	Do ..	1 0	3 0 0	John M'Rae ..			34 0 0		102 0 0	
	Do ..	Do ..	1 0	1 0 0	Do ..			30 0 0		30 0 0	
	Do ..	Do ..	1 0	3 11 0	Angus Cameron ..			62 0 0		184 12 0	
	Do ..	Do ..	1 0	3 3 0	Do ..			50 0 0		157 10 0	
	Do ..	Do ..				1 0 0		65 0 0			
	Do ..	Do ..	1 0	4 5 0	Joseph See ..			30 0 0		127 10 0	
	Do ..	Do ..				1 0 0		53 0 0			
	Do ..	Do ..				1 0 0		38 0 0			
	Do ..	Do ..	1 0	1 0 0	Thomas Clark ..			39 0 0		39 0 0	
	Do ..	Do ..	1 0	2 5 0	Archibald M'Lucas ..			54 0 0		121 10 0	
	Do ..	Do ..				1 0 0		44 0 0			
	Do ..	Do ..				1 0 0		40 0 0			
	Do ..	Do ..				1 0 0		38 0 0			
	Do ..	Do ..				1 0 0		38 0 0			
	Do ..	Do ..				1 0 0		55 3 0			
	Do ..	Do ..				1 0 0		92 1 0			
	Do ..	Do ..				1 0 0		78 0 0			
	Do ..	Do ..				1 0 0		84 0 0			
	Do ..	Do ..				1 0 0		81 3 0			
	Do ..	Do ..				1 0 0		88 0 0			
	Do ..	Do ..				1 0 0		66 1 0			

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Date.	Place.		£ s.	£ s. d.			Country.	Suburban.	£ s. d.
1861.									
Feb. 27	Grafton	Grafton	£ 10 0	£ 10 1 0	George Fredk. Schonbein		n. r. p. 71 1 0	a. r. p. 2 1 16	£ 23 12 2
	Do	Do	10 0	10 1 0	Do			2 1 16	
Feb. 28	Tabulam	Richmond River	1 0	1 0 0	Edward David Ogilvie		64 0 0		64 0 0
	Do	Do	1 0	1 0 0	Do		56 0 0		56 0 0
	Do	Do	1 0	1 0 0	Do		40 0 0		40 0 0
	Do	Do	1 0	1 0 0	Do		44 0 0		46 0 0
	Do	Do	1 0	1 0 0	Edward David Ogilvie		41 0 0		41 0 0
	Do	Do	1 0	1 0 0	Do		38 0 0		38 0 0
	Do	Do	1 0	1 0 0	Do		40 0 0		40 0 0
	Do	Do	1 0	1 0 0	Do		42 0 0		42 0 0
	Do	Do	1 0	1 0 0	Edward David Ogilvie		41 0 0		41 0 0
	Do	Do	1 0	1 0 0	Do		43 0 0		43 0 0
	Do	Do	1 0	1 0 0	Do		44 0 0		44 0 0
	Do	Do	1 0	1 0 0	Edward David Ogilvie		23 1 0		22 5 0
	Do	Do	1 0	1 0 0	Do		23 0 0		23 0 0
	Do	Do	1 0	1 0 0	Do		20 0 0		20 0 0
	Do	Do	1 0	1 0 0	Do		26 0 0		26 5 0
	Do	Do	1 0	1 0 0	Do		33 0 0		33 0 0
	Do	Do	1 0	1 0 0	Do		22 2 0		22 10 0
	Do	Do	1 0	1 0 0	Do		47 0 0		47 0 0
	Do	Do	1 0	1 0 0	Do		34 0 0		34 0 0
	Do	Do	1 0	1 0 0	Do		32 0 0		32 0 0
	Do	Do	1 0	1 0 0	Do		33 0 0		33 0 0
	Do	Do	1 0	1 0 0	Do		18 0 0		18 0 0
	Do	Do	1 0	1 0 0	Do		14 3 0		14 15 0
	Do	Do	1 0	1 0 0	Do		36 0 0		36 0 0
	Do	Do	1 0	1 0 0	Do		43 0 0		43 0 0
	Do	Do	1 0	1 0 0	Do		40 0 0		40 0 0
	Do	Do	1 0	1 0 0	Do		40 0 0		40 0 0
	Do	Do	1 0	1 0 0	Do		52 0 0		52 0 0
	Do	Do	1 0	1 0 0	Do		46 0 0		46 0 0
	Do	Do	1 0	1 0 0	Do		34 0 0		34 0 0
	Do	Do	1 0	1 0 0	Do		26 0 0		26 0 0
	Do	Do	1 0	1 0 0	Do		37 0 0		37 0 0
	Do	Do	1 0	1 0 0	Do		39 0 0		39 0 0
	Do	Do	1 0	1 0 0	Do		56 0 0		56 0 0
	Do	Do	1 0	1 0 0	Do		43 0 0		43 0 0
	Do	Do	1 0	1 0 0	Do		48 0 0		48 0 0
	Do	Do	1 0	1 0 0	Edward David Ogilvie		20 2 0		20 10 0
	Do	Do	1 0	1 0 0	Do		40 0 0		40 0 0
	Do	Do	1 0	1 0 0	Do		41 0 0		41 0 0
	Do	Do	1 0	1 0 0	Do		31 0 0		31 0 0
	Do	Do	1 0	1 0 0	Do		51 0 0		51 0 0
	Do	Do	1 0	1 0 0	Do		53 0 0		53 0 0
	Do	Do	1 0	1 0 0	Do		45 0 0		45 0 0
	Do	Do	1 0	1 0 0	Do		46 0 0		46 0 0
	Wagga Wagga	Wagga Wagga	4 0	4 0 0	Thomas Aloysius Fennell			1 0 0	4 0 0
	Do	Do	4 0	4 0 0	Do			1 0 0	4 0 0
	Do	Do	4 0	4 0 0	Do			1 0 0	4 0 0
	Do	Do	4 0	4 0 0	James Flood			1 0 0	4 0 0
	Do	Do	4 0	4 0 0	Do			1 0 0	4 0 0
	Do	Do	3 0	3 0 0	Do			2 2 0	
	Do	Do	3 0	3 0 0	Do			2 2 0	
	Do	Do	4 0	4 0 0	Thomas Aloysius Fennell			1 0 0	4 0 0
	Do	Do	4 0	4 0 0	James Flood			1 0 0	4 0 0
	Do	Do	3 0	3 0 0	Do			2 2 0	7 10 0
	Do	Do	4 0	4 0 0	Do			2 2 0	
	Do	Do	4 0	4 0 0	Archibald Flood			1 0 0	4 0 0
	Do	Do	4 0	4 0 0	Do			1 0 0	4 0 0
	Do	Do	4 0	4 0 0	Matilda Flood			1 0 0	4 0 0
	Do	Do	4 0	4 0 0	Do			1 0 0	4 0 0
	Do	Do	4 0	4 0 0	Charlotte Louisa Flood			1 0 0	4 0 0
	Do	Do	3 0	3 0 0	Do			2 2 0	7 10 0
	Do	Do	3 0	3 0 0	James Flood			2 2 0	7 10 0
March 1	Moruya	Broulee	1 0	1 0 0	Richard Russell		20 2 0		20 10 0
	Do	Do	1 0	1 0 0	Edmund Heffernan		176 0 0		176 0 0
	Do	Do	4 0	4 0 0	Do		48 0 0		48 0 0
	Do	Do	4 0	4 0 0	Do			2 0 0	
	Do	Do	4 0	4 0 0	Do			1 1 22	
	Do	Do	4 0	4 0 0	Do			1 0 39	
	Do	Do	4 0	4 0 0	Do			1 0 25	
	Do	Do	4 0	4 0 0	Do			1 0 24	
	Do	Do	4 0	4 0 0	Do			1 0 26	
	Do	Do	4 0	4 0 0	Do			1 0 0	
	Do	Do	4 0	4 0 0	Do			2 0 0	
	Do	Do	4 0	4 0 0	Do			2 0 0	
	Do	Do	4 0	4 0 0	Thomas Staunton			2 0 0	8 0 0

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Date.	Place.							Country.	Suburban.		
1861.			£ s.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
Mar. 1	Moruya	Bronlee	3 0	4 6 0		3 0 0	Frederick Carden		2 2 0	10 15 0	1 10 0
	Do	Do	3 0	7 0 0					2 2 0	17 10 0	
	Do	Do	3 0	3 0 0					2 2 0	7 10 0	
	Do	Do	3 0	3 0 0					2 2 0	7 10 0	
	Do	Do	3 0	3 0 0					2 2 0	7 10 0	
	Do	Do	3 0	3 0 0					2 2 0	7 10 0	
	Do	Do	4 0	4 0 0					2 0 0	8 0 0	
	Do	Do				4 0 0			2 0 0		
	Do	Do				4 0 0			2 0 0		
	Do	Do				4 0 0			2 0 0		
	Do	Do				2 10 0			10 0 34		
	Do	Do				2 10 0			10 0 34		
	Do	Do	2 10	2 10 0	A. Emmett & W. T. Collett	2 10 0			10 0 34	25 10 8	
	Do	Do				2 10 0			10 0 34		
	Do	Do				3 0 0			6 1 3		
	Do	Do				3 0 0			3 0 20		
	Do	Do	1 0	1 0 0	A. Emmott and M. Carew				26 0 36	26 4 6	
	Do	Do	1 0	1 0 0	Rev. Patrick Birch				21 2 27	21 14 8	
	Do	Do	1 0	1 0 0	Do				25 0 26	25 3 3	
Mar. 8	Tambaroora	Wellington				1 0 0			22 2 0		
	Do	Do				1 0 0			20 0 0		
	Do	Do				1 0 0			30 0 0		
	Do	Do				1 0 0			40 0 0		
	Do	Do	1 0	1 0 0	Martin Shea				20 0 0	20 0 0	
	Do	Do				1 0 0			26 0 0		
	Do	Do				1 0 0			25 3 0		
	Do	Do				1 0 0			27 3 0		
	Do	Do	1 0	1 0 0	Richard Croaker				20 0 0	20 0 0	
	Do	Do				1 0 0			22 3 3		
	Do	Do	1 0	1 0 0	Thomas Ryan				25 0 32	25 4 0	
	Do	Do				1 0 0			20 0 0		
	Do	Do				1 0 0			20 0 0		
	Do	Do				1 0 0	Michael Dwyer		21 0 0		2 18 10
	Do	Do				1 0 0			20 0 4		
	Do	Do	1 0	1 0 0	Peter Carroll				20 0 0	20 0 0	
	Do	Do	1 0	1 0 0	Do				20 0 0	20 0 0	
	Do	Do	1 0	1 0 0	Do				20 0 0	20 0 0	
	Do	Do				1 0 0	Peter Carroll		32 0 0		3 4 0
	Do	Do				1 0 0	Patrick Carty		40 0 0		4 0 0
	Do	Do				1 0 0	E. Dougherty		40 2 0		8 2 0
	Do	Do	1 0	1 0 0	Edward Dougherty				23 2 0	23 10 0	
	Do	Do	1 0	1 0 0	John Campbell				42 0 0	42 0 0	
	Do	Do	1 0	1 0 0	Do				30 0 0	30 0 0	
	Do	Do	1 0	1 0 0	Isaac Read				40 0 0	40 0 0	
	Do	Do	1 0	1 0 0	Ebenezer Read				30 0 0	30 0 0	
	Do	Do	1 0	1 0 0	Do				20 0 0	20 0 0	
	Do	Do	1 0	1 0 0	Do				20 0 0	20 0 0	
	Do	Do	1 0	1 0 0	William Read				20 0 0	20 0 0	
	Do	Do				1 0 0			20 0 0	20 0 0	
	Do	Do	1 0	1 0 0	William Read				40 0 0	40 0 0	
	Do	Do	1 0	14 0 0	William Beverley Suttor				20 0 0	20 0 0	
	Do	Do	1 0	1 0 0	Do				20 0 0	20 0 0	
	Do	Do	1 0	1 0 0	Isaac Read				65 0 0	65 0 0	
	Do	Do	1 0	1 0 0	Harriet Beard				20 0 0	20 0 0	
	Do	Do	1 0	1 0 0	Do				20 0 0	20 0 0	
	Do	Do							22 0 0		
	Do	Do							20 0 0		
	Do	Do							22 2 0		
	Do	Do	1 0	1 0 0	James Draper				100 0 0	100 0 0	
	Do	Do	1 0	1 0 0	George Anderson				30 0 0	30 0 0	
	Do	Do	1 0	1 0 0	Harriett Beard				20 0 0	20 0 0	
	Do	Do				1 0 0			20 0 0		
	Do	Do				1 0 0			20 0 0		
	Do	Do				1 0 0			25 1 0		
	Do	Do				1 0 0			20 0 0		
	Do	Do	1 0	1 0 0	George Dowdney				21 0 0	21 0 0	
Mar. 11	Bathurst	Bathurst				1 0 0			36 1 0		
	Do	Do				1 0 0			40 0 0	40 0 0	
	Do	Do							30 0 0		
	Do	Do	1 0	1 0 0	Henry Harris				29 3 27	30 0 0	
	Do	Do							30 0 0		
	Do	Do							44 0 0		
	Do	Do							43 0 0		
	Do	Do							42 0 0		
	Do	Do							40 0 0		
	Do	Do							30 3 0		
	Do	Do							29 1 24		
	Do	Do							42 0 0		
	Do	Do							30 0 0		
	Do	Do							30 2 0		
	Do	Do							33 0 0		
	Do	Do							40 2 0		

CROWN LANDS.

Date and Place at which the Auction was held.		District in which the lands were situated.	Upset price per acre of Land sold.	Prices per acre realized in each case.	Names of Purchasers.	Upset price per acre of lots not bid for or withdrawn from sale, or for which the purchase money was not paid, or the deposit forfeited.	Names of Bidders.	Description of Land.		Amount realized.	Deposit forfeited.
Date.	Place.							Country.	Suburban.		
1861.											
Mar. 14	Carcoar	Carcoar	£ s.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
	Do	Do			Barnard Stimpson Henry	3 10 0		5 2 39			
	Do	Do				2 10 0		5 1 31			
	Do	Do	3 0	3 0 0		2 10 0		5 1 31			
	Do	Do						3 0 16		9 6 0	
	Do	Do						2 0 8			
	Do	Do						2 1 28			
	Do	Do				2 10 0		2 3 25			
	Do	Do						5 2 32			
	Do	Do						5 1 24			
	Do	Do				3 0 0		5 1 24			
	Do	Do						4 2 0			
	Do	Do						4 0 0			
	Do	Do						4 0 0			
	Do	Do						4 0 0			
	Do	Do						5 0 0			
	Do	Do						5 0 0			
	Do	Do				2 10 0		6 2 32			
	Do	Do						6 2 32			
	Do	Do						6 0 1			
	Do	Do						5 1 11			
	Do	Do						5 1 7			
	Do	Do						5 1 3			
	Do	Do						6 0 18			
	Do	Do						5 1 32			
	Do	Do						5 0 25			
	Do	Do				3 0 0		5 1 0			
	Do	Do						4 3 30			
Mar. 16	Orange	Orange	2 10	2 10 0	John Allman Burke					16 13 2	
	Do	Do	1 0	1 0 0	John Tom Lane			48 0 0		48 0 0	
	Do	Do				1 0 0		30 3 0			
	Do	Do	1 0	1 0 0	Adam Murray		John Tom Lane	60 0 0			6 0 0
	Do	Do	1 0	1 0 0	Do			40 0 0			
	Do	Do						38 0 0			
	Do	Do	1 0	1 0 0	William Wilson			45 3 0			
	Do	Do	1 0	1 0 0	Allen Johnston			53 2 0		53 10 0	
	Do	Do	1 0	1 0 0	John Wynne			30 0 0		30 0 0	
	Do	Do	1 0	1 0 0	Do			30 2 0		30 10 0	
	Do	Do						27 0 0		27 0 0	
	Do	Do						32 0 0			
	Do	Do						39 0 0			
	Do	Do	1 0	1 0 0	George Weiley			36 0 0		36 0 0	
	Do	Do						53 0 0			
	Do	Do						52 0 0			
	Do	Do						37 0 0			
	Do	Do						41 0 0			
	Do	Do						54 0 0			
	Do	Do	1 0	1 0 0	Christopher W. Coose			40 0 0		40 0 0	
	Do	Do						34 2 0			
	Do	Do						37 3 0			
	Do	Do						62 3 0			
	Do	Do						39 1 0			
	Do	Do						41 2 0			
	Do	Do						26 3 0			
	Do	Do						25 0 0			
	Do	Do						33 1 0			
	Do	Do						53 0 0			
	Do	Do						24 2 0			
	Do	Do						38 0 0			
	Do	Do						42 0 0			
	Do	Do						48 0 0			
	Do	Do	1 0	1 0 0	Joseph Roach			36 0 0		38 0 0	
	Do	Do	1 0	1 0 0	John Smith			37 0 0			
	Do	Do	1 0	1 0 0	Do			40 0 0		40 0 0	
	Do	Do						30 0 0		30 0 0	
	Do	Do						60 0 0			
	Do	Do						40 0 0			
Mar. 20	Boorowa	Binalong	4 0	4 0 0	Severin Kanute Salting			40 0 0			
	Do	Do	4 0	4 0 0	Do			1 0 0		4 0 0	
	Do	Do	4 0	4 0 0	Do			1 0 0		4 0 0	
	Do	Do	3 0	3 0 0	Do			2 0 0		6 0 0	
	Do	Do	3 0	3 0 0	Do			2 0 0		6 0 0	
	Do	Do	4 0	4 0 0	Do			1 0 0		4 0 0	
	Do	Do	4 0	4 0 0	Do			1 0 0		4 0 0	
	Do	Do	4 0	4 0 0	Do			1 0 0		4 0 0	
	Do	Do	3 0	3 0 0	Do			2 0 0		6 0 0	
	Do	Do	3 0	3 0 0	Do			2 0 0		6 0 0	
	Do	Do	4 0	4 0 0	Henry Hutchinson			2 0 0		6 0 0	
	Do	Do	4 0	4 0 0	Do			1 0 0		4 0 0	
	Do	Do	3 0	3 0 0	Do			1 0 0		4 0 0	
	Do	Do	3 0	3 0 0	Do			2 0 0		6 0 0	
	Do	Do	3 0	3 0 0	Do			2 0 0		6 0 0	
	Do	Do	4 0	4 0 0	Do			1 0 0		4 0 0	

CROWN LANDS.

Date and Place at which the Auction was held.		District in which the Lands were situated.	Upset price per acre of Land sold.	Prices per acre realized in each case	Names of Purchasers.	Names of Bidders.	Description of Land.		Amount realized.	Deposit forfeited.
Date.	Place.						Country.	Suburban.		
1861.										
April 3	Tabulam	Richmond River	£ s.	£ s. d.	Robertson Brothers	£ s. d.	a. r. p.	a. r. p.	£ s. d.	£ s. d.
	Do	Do	1 0	1 0 0	Do	.....	65 0 0	.....	65 0 0	
	Do	Do	1 0	1 0 0	Do	.....	79 0 0	.....	79 0 0	
	Do	Do	1 0	1 0 0	Do	.....	75 0 0	.....	75 0 0	
	Do	Do	1 0	1 0 0	Do	.....	63 0 0	.....	63 0 0	
	Do	Do	1 0	1 0 0	Do	.....	51 0 0	.....	51 0 0	
	Do	Do				1 0 0	60 0 0			
	Do	Do				1 0 0	60 0 0			
	Do	Do				1 0 0	58 0 0			
	Do	Do				1 0 0	76 0 0			
	Do	Do				3 0 0		3 0 0		
	Do	Do				3 0 0		3 0 0		
	Do	Do				3 0 0		3 0 0		
April 12	Raymond Terrace	Raymond Terrace				1 0 0	30 0 0			
	Do	Do				1 0 0	30 0 0			
	Do	Do				1 0 0	30 0 0			
	Do	Do				1 0 0	30 0 0			
	Do	Do				1 0 0	30 0 0			
	Do	Do				1 0 0	30 0 0			
	Wallgett	Wee Waa	2 10	2 10 0	George Hoath	.....	.....	8 0 0	20 0 0	
	Do	Do				2 10 0		8 0 0		
	Do	Do				2 10 0		6 0 0		
	Do	Do	2 10	2 10 0	W. Smith & H. Matthews	.....	.....	6 0 0	15 0 0	
	Do	Do	2 10	2 10 0	Do	.....	.....	8 0 0	20 0 0	
	Do	Do				2 10 0		10 0 0		
	Do	Do				2 10 0		10 0 0		
	Do	Do				2 10 0		10 0 0		
	Do	Do				2 10 0		10 0 0		
	Do	Do				2 10 0		10 0 0		
	Do	Do				2 10 0		10 0 0		
	Do	Do				2 10 0		10 0 0		
	Do	Do				2 10 0		10 0 0		
April 13	West Kempsey	Macleay River				1 0 0	39 0 0			
	Do	Do				1 0 0	69 0 0			
	Do	Do	1 0	1 0 0	Edward M'Guigan	.....	.....	46 0 0	46 0 0	
	Do	Do	1 0	1 0 0	Michael Cunneane	.....	.....	47 0 0	47 0 0	
	Do	Do				1 0 0	84 0 0			
	Do	Do				1 0 0	97 0 0			
	Do	Do				1 0 0	136 0 0			
	Do	Do				1 0 0	84 0 0			
	Do	Do				1 0 0	61 0 0			
	Do	Do				1 0 0	61 0 0			
	Do	Do				1 0 0	64 0 0			
	Do	Do				1 0 0	44 0 0			
	Do	Do				1 0 0	41 0 0			
	Do	Do				1 0 0	53 0 0			
	Do	Do				1 0 0	32 0 0			
	Do	Do				1 0 0	80 0 0			
	Do	Do				1 0 0	52 0 0			
	Do	Do				1 0 0	68 0 0			
	Do	Do				1 0 0	42 0 0			
	Do	Do				1 0 0	90 0 0			
	Do	Do				1 0 0	65 0 0			
	Do	Do				1 0 0	30 0 0			
	Do	Do				1 0 0	100 0 0			
	Do	Do				1 0 0	36 0 0			
	Do	Do				1 0 0	87 0 0			
	Do	Do				1 0 0	72 0 0			
	Do	Do				1 0 0	108 0 0			
	Do	Do				1 0 0	92 0 0			
	Do	Do				1 0 0	204 0 0			
	Do	Do				1 0 0	91 0 0			
	Do	Do				1 0 0	96 0 0			
	Do	Do				1 0 0	157 0 0			
	Do	Do				1 0 0	127 0 0			
	Do	Do				1 0 0	60 0 0			
	Do	Do				1 0 0	23 0 0			
April 15	Carcoar	Carcoar				1 0 0	29 0 0			
	Do	Do	1 0	1 0 0	Norman M'Vicar	.....	.....	36 0 0	36 0 0	
	Do	Do	1 0	1 0 0	John Finlater Clements	.....	.....	29 2 4	29 10 6	
	Do	Do				.....	.....	32 0 0		
	Do	Do	1 0	1 0 0	Charles M'Phillamy	.....	.....	32 0 0	32 0 0	
	Do	Do	1 0	1 0 0	Do	.....	.....	29 0 0	29 0 0	
	Do	Do	1 0	1 0 0	Do	.....	.....	32 0 0	32 0 0	
	Do	Do				.....	.....	31 0 0		
	Do	Do	1 0	1 0 0	Charles M'Phillamy	.....	.....	34 0 0	34 0 0	
	Do	Do	1 0	1 0 0	Do	.....	.....	28 0 0	28 0 0	
	Do	Do				.....	.....	28 3 34		
	Do	Do				.....	.....	30 2 0		
	Do	Do				.....	.....	58 0 0		
	Do	Do	1 0	1 0 0	Charles M'Phillamy	.....	.....	44 0 0	44 0 0	
	Do	Do	1 0	1 0 0	Do	.....	.....	40 2 0	40 10 0	
	Do	Do	1 0	1 0 0	Do	41 3 0	41 15 0	
	Do	Do				41 2 0		
	Do	Do	1 0	1 0 0	Joseph Smith	41 0 0	41 0 0	

CROWN LANDS.

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Date.	Place.							Country.	Suburban.		
1861.											
April 16	Carcoar	Carcoar	£ s.	£ s. d.	Joseph Smith	£ s. d.	a. r. p.	a. r. p.	£ s. d.	£ s. d.
	Do	Do	1 0	1 0 0	Sarah Feisley .. ..	.....	.....	30 0 0	.....	30 0 0	.....
	Do	Do	1 0	1 0 0	.....	.....	.....	27 0 0	.....	27 0 0	.....
	Do	Do	1 0	1 0 0	Thomas M'Grath.. ..	.....	.....	23 2 0	.....	.....	.....
	Do	Do	1 0	1 0 0	Jane M'Grath .. ..	.....	.....	31 0 0	.....	31 0 0	.....
	Do	Do			.....	.....	.....	40 0 0	.....	40 0 0	.....
	Do	Do			.....	.....	.....	24 2 0	.....	.....	.....
	Do	Do			.....	.....	.....	27 2 0	.....	.....	.....
	Do	Do			.....	.....	.....	26 1 0	.....	.....	.....
	Do	Do			.....	.....	.....	33 2 0	.....	.....	.....
	Do	Do			.....	.....	.....	39 2 0	.....	.....	.....
	Do	Do			.....	.....	.....	43 1 0	.....	.....	.....
	Do	Do			.....	.....	.....	32 2 0	.....	.....	.....
	Do	Do			.....	.....	.....	48 1 0	.....	.....	.....
	Do	Do			.....	.....	.....	32 1 0	.....	.....	.....
	Do	Do			.....	.....	.....	42 0 0	.....	.....	.....
	Do	Do			.....	.....	.....	45 0 0	.....	.....	.....
	Do	Do			.....	.....	.....	44 0 0	.....	.....	.....
	Do	Do			.....	.....	.....	40 3 0	.....	.....	.....
	Do	Do			.....	.....	.....	41 0 0	.....	.....	.....
	Do	Do			.....	.....	.....	28 2 0	.....	.....	.....
	Do	Do			.....	.....	.....	40 0 0	.....	.....	.....
	Do	Do			.....	.....	.....	36 0 0	.....	.....	.....
	Do	Do			.....	.....	.....	32 0 0	.....	.....	.....
	Do	Do	1 0	1 0 0	Robert Smith .. ..	.....	.....	31 0 0	.....	31 0 0	.....
	Do	Do	1 0	1 0 0	Do .. ..	.....	.....	30 0 0	.....	30 0 0	.....
	Do	Do	1 0	1 0 0	Do .. ..	.....	.....	32 0 0	.....	32 0 0	.....
	Do	Do	1 0	1 0 0	Do .. ..	.....	.....	31 0 0	.....	31 0 0	.....
	Do	Do	1 0	1 0 0	Samuel Darrington ..	.....	.....	42 0 0	.....	42 0 0	.....
	Do	Do			.....	.....	.....	40 0 0	.....	.....	.....
	Do	Do			.....	.....	.....	46 0 0	.....	.....	.....
	Do	Do			.....	.....	.....	30 0 0	.....	.....	.....
	Do	Do			.....	.....	.....	30 0 0	.....	.....	.....
	Do	Do			.....	.....	.....	40 0 0	.....	.....	.....
	Do	Do			.....	.....	.....	36 0 0	.....	.....	.....
	Do	Do			.....	.....	.....	30 0 0	.....	.....	.....
	Do	Do			.....	.....	.....	35 0 0	.....	.....	.....
	Do	Do			.....	.....	.....	32 0 0	.....	.....	.....
April 22	Bathurst	Bathurst									
	Do	Do				1 0 0	.....	41 3 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 0 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 1 0	.....	.....	.....
	Do	Do				1 0 0	.....	31 0 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 1 0	.....	.....	.....
	Do	Do				1 0 0	.....	33 0 0	.....	.....	.....
	Do	Do				1 0 0	.....	42 1 0	.....	.....	.....
	Do	Do				1 0 0	.....	33 0 0	.....	.....	.....
	Do	Do				1 0 0	.....	42 1 0	.....	.....	.....
	Do	Do				1 0 0	.....	47 3 0	.....	.....	.....
	Do	Do				1 0 0	.....	36 3 0	.....	.....	.....
	Do	Do				1 0 0	.....	44 1 0	.....	.....	.....
	Do	Do				1 0 0	.....	30 0 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 1 0	.....	.....	.....
	Do	Do				1 0 0	.....	43 3 0	.....	.....	.....
	Do	Do	1 0	1 0 0	James Lanc .. ..	.....	.....	105 1 0	.....	105 5 0	.....
	Do	Do				1 0 0	.....	42 0 0	.....	.....	.....
	Do	Do				1 0 0	.....	42 0 0	.....	.....	.....
	Do	Do				1 0 0	.....	41 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	41 0 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 0 0	.....	.....	.....
	Do	Do				1 0 0	.....	41 0 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 0 0	.....	.....	.....
	Do	Do				1 0 0	.....	41 0 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 0 0	.....	.....	.....
	Do	Do				1 0 0	.....	41 0 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 0 0	.....	.....	.....
	Do	Do				1 0 0	.....	41 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	41 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	41 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	41 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	41 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	41 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	41 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	41 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	41 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	41 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	41 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	41 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	41 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	41 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	41 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	41 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	41 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	41 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	41 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	41 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 2 0	.....	.....	.....
	Do	Do				1 0 0	.....	40 2 0	.....	.....	.....
	Do	Do				1 0 0	41 2 0
	Do	Do				1 0 0	40 2 0
	Do	Do				1 0 0	40 2 0
	Do	Do				1 0 0	41 2 0
	Do	Do				1 0 0					

CROWN LANDS.

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Date.	Place.						Country.	Suburban.		
1861.	April 22	Warialda	£ s. d.	£ s. d.	£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
		Warialda	1 0	1 0 0	Alfred Augustus Adams	39 0 0	39 0 0	
		Do	1 0	1 0 0	Do	.....	39 0 0	.....	39 0 0	
		Do	1 0	1 0 0	William Sinden	.....	39 0 0	.....	39 0 0	
		Do	1 0	1 0 0	Alfred Augustus Adams	.....	67 0 0	.....	67 0 0	
		Do	1 0	1 0 0	Do	.....	80 2 0	.....	80 10 0	
		Do	1 0	1 0 0	Do	.....	103 1 0	.....	103 1 0	
		Do	4 0	4 0 0	John Geddes	.....	.....	1 1 0	5 0 0	
		Do	4 0	4 0 0	Do	.....	.....	1 1 0	5 0 0	
		Do	3 0	3 0 0	Do	.....	.....	2 2 0	7 10 0	
		Do	4 0	8 0 0	John Johnston	.....	.....	1 2 0	12 0 0	
		Do	4 0	9 0 0	John Geddes	.....	.....	1 2 0	13 0 0	
		Do	3 0	5 16 8	Do	.....	.....	3 0 0	30 10 0	
		Do	3 0	3 0 0	Do	.....	.....	3 0 0	17 10 0	
		Do	3 0	3 0 0	Alfred Augustus Adams	.....	.....	3 0 0	9 0 0	
		Do	3 0	3 0 0	Do	.....	.....	3 3 0	11 5 0	
		Do	1 0	1 0 0	Alexander Turner	.....	45 0 0	.....	45 0 0	
		Do	1 0	1 0 0	Do	.....	58 3 0	.....	58 15 0	
		Do	1 0	1 0 0	Do	.....	57 0 0	.....	57 0 0	
		Do	1 0	1 0 0	Do	.....	121 3 0	.....	121 15 0	
		Do	1 0	1 0 0	Charles Jones	.....	31 0 0	.....	31 0 0	
		Do	1 0	1 0 0	John Beven	.....	37 2 0	.....	37 10 0	
		Do	1 0	1 0 0	Do	.....	57 0 0	.....	57 0 0	5 14 0
		Do	1 0	1 0 0	Do	.....	53 0 0	.....	53 0 0	5 6 0
		Do	1 0	1 0 0	Maurice Moon	.....	32 0 0	.....	32 0 0	32 0 0
		Do	1 0	2 0 0	Do	.....	58 0 0	.....	58 0 0	116 0 0
		Do	1 0	1 0 0	Do	.....	49 0 0	.....	49 0 0	
		Do	1 0	1 6 0	William Carnell	.....	27 2 0	.....	27 2 0	
		Do	1 0	1 0 0	Do	.....	33 0 0	.....	33 0 0	
		Do	1 0	1 0 0	Stephen Brown	.....	38 0 0	.....	38 0 0	
		Do	1 0	1 0 0	James Holgate	.....	28 1 0	.....	28 5 0	
		Do	1 0	1 0 0	William Holgate	.....	28 3 0	.....	28 15 0	
		Do	1 0	1 0 0	John Best	.....	86 0 0	.....	86 0 0	
		Do	1 0	1 0 0	John Jackson	.....	43 0 0	.....	43 0 0	
		Do	1 0	1 0 0	John Best	.....	301 0 0	.....	301 0 0	
		Do	1 0	1 2 0	Edward Hines	.....	25 0 31	.....	27 14 3	
		Do	1 0	1 0 0	Do	.....	67 3 0	.....	67 15 0	
		Do	1 0	1 0 0	Do	.....	43 0 0	.....	43 0 0	
		Do	1 0	1 0 0	Do	.....	30 0 0	.....	30 0 0	
		Do	1 0	1 0 0	John Wilson	.....	41 1 0	.....	41 5 0	
		Do	1 0	1 0 0	William Pollard	.....	30 0 0	.....	30 0 0	
		Do	1 0	1 0 0	Joseph Sibraa	.....	60 0 0	.....	60 0 0	
		Do	1 0	1 1 0	James Roffe	.....	25 3 0	.....	27 0 0	
		Do	1 0	1 0 0	Edward Hines	.....	44 0 0	.....	44 0 0	
		Do	1 0	1 0 0	James Sibraa	.....	25 1 0	.....	25 5 0	
		Do	1 0	2 10 0	Thomas Roche	.....	46 0 0	.....	115 0 0	
		Do	1 0	2 10 0	Do	.....	34 2 0	.....	86 5 0	
		Do	1 0	1 0 0	Do	.....	42 2 0	.....	42 2 0	8 10 0
		Do	1 0	1 0 0	Patrick Mitchell	.....	34 1 0	.....	34 5 0	
		Do	1 0	2 0 0	John Alchin	.....	40 1 0	.....	80 10 0	
		Do	1 0	1 0 0	Do	.....	25 0 25	.....	25 3 2	
		Do	1 0	1 4 0	James Sawfort	.....	33 3 0	.....	40 10 0	
		Do	1 0	3 6 0	John Alchin	.....	24 1 20	.....	80 8 9	
		Do	1 0	1 0 0	Timothy Starr	.....	43 1 0	.....	43 5 0	
		Do	1 0	1 0 0	Do	.....	45 3 0	.....	45 15 0	
		Do	1 0	1 0 0	Isaac Butt	.....	30 0 0	.....	30 0 0	
		Do	1 0	1 0 0	Do	.....	30 0 0	.....	30 0 0	
		Do	1 0	1 0 0	Benjamin Pollard	.....	32 1 0	.....	32 5 0	
		Do	1 0	1 0 0	Do	.....	30 0 0	.....	30 0 0	
		Do	1 0	1 0 0	John Taylor Preston	.....	28 3 0	.....	28 15 0	
		Do	1 0	2 0 0	Patrick Gillespie	.....	41 0 0	.....	82 0 0	
April 23	Bathurst	Bathurst	1 0	1 0 0	Do	.....	31 3 0	.....	31 3 0	
		Do	1 0	1 0 0	Do	.....	39 0 0	.....	39 0 0	
		Do	1 0	1 0 0	Do	.....	31 0 0	.....	31 0 0	
		Do	1 0	1 0 0	Do	.....	40 0 0	.....	40 0 0	
		Do	1 0	1 0 0	Do	.....	37 0 0	.....	37 0 0	
		Do	1 0	1 0 0	Do	.....	41 0 0	.....	41 0 0	
		Do	1 0	1 0 0	Do	.....	40 0 0	.....	40 0 0	
		Do	1 0	1 0 0	Do	.....	42 0 0	.....	42 0 0	
		Do	1 0	1 0 0	Do	.....	41 0 0	.....	41 0 0	
		Do	1 0	1 0 0	Do	.....	40 0 0	.....	40 0 0	
		Do	1 0	1 0 0	Do	.....	41 0 0	.....	41 0 0	
		Do	1 0	1 0 0	Do	.....	40 2 0	.....	40 2 0	
		Do	1 0	1 0 0	Do	.....	33 0 0	.....	33 0 0	
		Do	1 0	1 0 0	Do	.....	40 2 0	.....	40 2 0	
		Do	1 0	1 0 0	William Larnach	.....	45 0 0	.....	45 0 0	
		Do	1 0	1 0 0	Do	.....	60 0 0	.....	60 0 0	
		Do	1 0	1 0 0	Do	.....	40 0 0	.....	40 0 0	
		Do	1 0	1 0 0	Do	.....	32 0 0	.....	32 0 0	
		Do	1 0	1 0 0	Do	.....	35 0 0	.....	35 0 0	

CROWN LANDS.

Date and Place at which the Auction was held.		District in which the Lands were situated.	Upset price per acre of Land sold.	Prices per acre realized in each case.	Names of Purchasers.	Names of Bidders.	Description of Land.		Amount realized.	Deposit forfeited.
Date.	Place.						Country.	Suburban.		
1861.										
April 23	Bathurst	Bathurst	£ s. d.	£ s. d.			a. r. p.	a. r. p.	£ s. d.	£ s. d.
	Do	Do	1 0	1 0 0	Margaret Larnach	.....	40 0 0			
	Do	Do	1 0	1 0 0	James Hargans	.....	51 1 0	....	51 5 0	
	Do	Do				.....	41 0 0	....	41 0 0	
	Do	Do				.....	40 0 0			
	Do	Do				.....	88 0 0			
	Do	Do				.....	42 0 0			
	Do	Do				.....	42 0 0			
	Do	Do				.....	47 0 0			
	Do	Do				.....	45 0 0			
	Do	Do				.....	44 0 0			
	Do	Do				.....	56 0 0			
	Do	Do				.....	40 0 0			
	Do	Do				.....	31 0 0			
	Do	Do				.....	51 0 0			
	Do	Do				.....	43 0 0			
	Do	Do				.....	30 2 0			
	Do	Do				.....	28 0 0			
	Do	Do				.....	25 1 34			
	Do	Do	1 0	1 0 0	Jacob Barnes	.....	102 0 0	....	102 0 0	
	Do	Do	1 0	1 0 0	Do	.....	32 1 0	....	32 5 0	
	Do	Do				.....	30 0 0			
	Do	Do				.....	1 0 0			
	Do	Do				.....	37 0 0			
	Do	Do				.....	42 2 0			
	Do	Do	1 0	1 0 0	Richard Machattie	.....	38 0 4	....	38 0 6	
April 23	Warialda	Warialda				.....	3 0 0	2 1 9		
	Do	Do				.....	3 0 0	2 0 13		
	Do	Do				.....	3 0 0	1 3 18		
	Do	Do				.....	3 0 0	1 2 3		
	Do	Do				.....	3 0 0	1 0 10		
April 25	Burrowa	Binalong				.....	1 0 0			
	Do	Do				.....	32 1 0			
	Do	Do				.....	48 0 0			
	Do	Do				.....	42 0 0			
	Do	Do				.....	27 1 0			
	Do	Do				.....	56 0 0			
	Do	Do				.....	69 0 0			
	Do	Do				.....	94 0 0			
	Do	Do				.....	162 0 0			
	Do	Do				.....	3 0 0	2 2 24		
	Do	Do				.....	3 0 0	2 2 24		
	Do	Do				.....	3 0 0	2 2 24		
	Do	Do				.....	3 0 0	2 2 24		
	Do	Do				.....	2 10 0	6 2 0		
	Do	Do				.....	3 0 0	3 0 0		
	Do	Do				.....	3 0 0	3 0 0		
	Do	Do			Edward Liddiard	.....	2 10 0	6 0 0		1 10 0
	Do	Do				.....	2 10 0	9 2 16		
	Do	Do	2 10	2 10 0	William Ford	.....	7 2 0		18 15 0	
	Do	Do	2 10	2 10 0	Do	.....	5 0 0		12 10 0	
	Do	Do	2 10	2 10 0	Do	.....	5 0 0		12 10 0	
	Do	Do	2 10	2 10 0	Do	.....	5 0 0		12 10 0	
	Do	Do	2 10	2 10 0	Do	.....	5 0 0		12 10 0	
	Do	Do	2 10	2 10 0	Do	.....	8 0 0		20 0 0	
April 26	Burrowa	Binalong	1 0	1 0 0	Thomas O'Hara	.....	90 0 0	....	30 0 0	
	Do	Do	1 0	1 0 0	John Sainsbury	.....	53 0 0	....	53 0 0	
	Do	Do	1 0	1 0 0	Do	.....	81 0 0	....	31 0 0	
April 30	Casino	Richmond River				.....	43 0 0			
	Do	Do				.....	43 0 0			
	Do	Do				.....	42 0 0			
	Do	Do				.....	42 0 0			
	Do	Do				.....	41 0 0			
	Do	Do				.....	39 0 0			
	Do	Do				.....	78 0 0			
	Do	Do				.....	64 0 0			
	Do	Do				.....	87 0 0			
	Do	Do				.....	60 0 0			
	Do	Do				.....	42 0 0			
	Do	Do				.....	165 0 0			
	Do	Do				.....	168 0 0			
	Do	Do				.....	45 0 0			
	Do	Do				.....	53 0 0			
April 30	Deniliquin	Deniliquin				.....	45 0 0			
	Do	Do				.....	71 3 0			
	Do	Do	2 10	2 12 0	William Herriott	.....	44 3 0	6 1 0	16 5 0	
	Do	Do				.....	45 0 0			
	Do	Do				.....	71 3 0			
	Do	Do				.....	44 3 0			
	Do	Do				.....	2 10 0	6 1 0		
	Do	Do				.....	2 10 0	6 1 0		
	Do	Do				.....	3 0 0	4 1 20		
	Do	Do				.....	3 0 0	3 3 0		
May 6.	Parramatta	Parramatta	5 0	5 0 0	George Onkes	.....	43 0 0	....	215 0 0	
	Do	Do	5 0	5 0 0	Do	.....	20 0 0	....	100 0 0	
	Do	Do	5 0	7 5 0	Benjamin Harris	20 0 0	146 0 0	
	Do	Do	5 0	5 0 0	Nathaniel Payten	19 1 0	96 5 0	

CROWN LANDS.

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Date.	Place.							Country.	Suburban.		
1861.			£ s.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
May 6	Parramatta	Parramatta	5 0	6 5 0	William Tunks	21 1 0	132 16 3	
	Do	Do	5 0	7 10 0	James Houston ..	.....	.....	25 0 0	.....	187 10 0	
	Do	Do	5 0	6 0 0	John George Hammer ..	.....	.....	29 0 0	.....	174 0 0	
	Do	Do	5 0	6 10 0	John Hill ..	.....	.....	40 0 0	.....	260 0 0	
	Do	Do				5 0 0		33 0 0			
	Do	Do				5 0 0		30 0 0			
	Do	Do				5 0 0		29 1 0			
	Do	Do	5 0	5 1 0	George Woodcock ..	.....	.....	21 1 0	.....	107 6 3	
	Do	Do				5 0 0	Richard Harper	21 1 0			10 12 6
	Do	Do				5 0 0	Do	21 1 0			11 3 6
	Do	Do	5 0	5 0 0	John Jacob Bohringer ..	.....	.....	22 3 0	.....	113 15 0	
	Do	Do				5 0 0		21 1 0			
	Do	Do				5 0 0		17 0 0			
	Do	Do				5 0 0		16 1 0			
	Do	Do				5 0 0		19 1 0			
	Do	Do	5 0	5 0 0	Stephen Rabone ..	.....	.....	25 2 0	.....	127 10 0	
	Do	Do	5 0	7 1 0	Do ..	.....	.....	25 2 0	.....	179 15 6	
	Do	Do	10 0	10 6 0	James Connor ..	.....	.....	.....	7 3 20	81 15 2	
	Do	Do	10 0	10 1 0	Nathaniel Payten ..	.....	.....	.....	6 3 20	69 1 11	
	Do	Do				10 0 0	William Rutter	1 3 32			1 19 0
	Do	Do	10 0	17 5 0	James Houston ..	.....	.....	.....	1 3 32	33 12 9	
May 15	Grafton	Grafton	1 0	1 11 0	Richard Bligh ..	.....	.....	93 0 0	.....	144 3 0	
	Do	Do	1 0	1 0 0	John Taylor ..	.....	.....	92 0 0	.....	92 0 0	
	Do	Do				1 0 0	John Hunter	98 0 0			9 16 0
	Do	Do	1 0	2 9 0	John Hunter ..	.....	.....	124 0 0	.....	303 15 0	
	Do	Do	1 0	1 11 6	Do ..	.....	.....	105 0 0	.....	165 7 6	
	Do	Do	1 0	1 0 0	Do ..	.....	.....	100 0 0	.....	100 0 0	
	Do	Do	1 0	1 8 0	Do ..	.....	.....	105 0 0	.....	147 0 0	
	Do	Do	1 0	1 17 0	Joseph Lee ..	.....	.....	88 0 0	.....	70 6 0	
	Do	Do				4 0 0		.....	1 1 11		
	Do	Do				4 0 0		.....	1 0 27		
	Do	Do				4 0 0		.....	1 0 26		
	Do	Do				4 0 0		.....	1 0 0		
	Do	Do				4 0 0		.....	0 3 20		
	Do	Do				4 0 0	W. L. Lawrence	.....	0 2 29		0 6 2
	Do	Do	4 0	4 0 0	John M'Kee ..	.....	.....	.....	0 2 32	2 16 0	
	Do	Do	4 0	6 5 0	Charles James Walker ..	.....	.....	.....	0 2 35	4 9 9	
	Do	Do				10 0 0		.....	1 2 16		
	Do	Do	10 0	11 14 0	Roderick Macdonald ..	.....	.....	.....	3 0 28	37 3 0	
	Do	Do	10 0	18 15 0	John Woodward ..	.....	.....	.....	2 2 0	46 17 6	
	Do	Do	10 0	10 0 0	John Macdonald ..	.....	.....	.....	1 1 17	13 11 3	
	Do	Do	10 0	10 2 0	William Morton ..	.....	.....	.....	2 2 0	25 5 0	
	Do	Do	10 0	10 0 0	Charles James Walker ..	.....	.....	.....	1 2 0	15 0 0	
	Do	Do	10 0	10 0 0	Do ..	.....	.....	.....	2 3 6	27 17 6	
May 16	Nundle	Tamworth	1 0	2 0 0	John Edwards ..	.....	.....	6 3 0	.....	13 10 0	
	Do	Do	1 0	1 10 0	Mark Dicks Mills ..	.....	.....	7 0 8	.....	10 11 6	
	Do	Do	1 0	2 0 0	John Edwards ..	.....	.....	7 1 6	.....	14 11 6	
	Do	Do	1 0	1 18 0	Mark Dick Mills ..	.....	.....	6 3 28	.....	18 3 2	
	Do	Do	1 0	3 0 0	John Edwards ..	.....	.....	10 3 0	.....	32 5 0	
	Do	Do	1 0	2 15 0	James Mylrea ..	.....	.....	10 2 0	.....	28 17 6	
	Do	Do	1 0	1 6 0	John Edwards ..	.....	.....	17 0 36	.....	22 7 11	
	Do	Do	1 0	1 0 0	Do ..	.....	.....	15 3 7	.....	15 15 11	
	Do	Do	1 0	2 0 0	Do ..	.....	.....	20 2 12	.....	41 3 0	
	Do	Do	1 0	3 19 0	Abraham Hicks ..	.....	.....	20 1 0	.....	79 19 9	
	Do	Do	1 0	1 11 0	Do ..	.....	.....	25 3 32	.....	40 4 0	
	Do	Do	1 0	3 11 0	Do ..	.....	.....	19 0 0	.....	67 9 0	
	Do	Do	1 0	4 0 0	William M'Ilveen ..	.....	.....	.....	1 0 0	4 0 0	
	Do	Do				1 0 0		.....	1 0 0		
	Do	Do				1 0 0		.....	1 0 0		
	Do	Do				1 0 0		.....	1 0 0		
	Do	Do				1 0 0		.....	1 0 0		
	Do	Do	4 0	4 0 0	James Mylrea ..	.....	.....	.....	1 0 0	4 0 0	
	Do	Do				1 0 0		.....	1 0 0		
	Do	Do				1 0 0		.....	1 0 0		
	Do	Do				1 0 0		.....	1 0 0		
	Do	Do				1 0 0		.....	1 0 0		
	Do	Do	4 0	4 0 0	William M'Ilveen ..	.....	.....	.....	1 0 0	4 3 0	
	Do	Do	4 0	4 0 0	John Edwards ..	.....	.....	.....	1 0 0	4 0 0	
	Do	Do	4 0	4 0 0	Do ..	.....	.....	.....	1 0 0	4 0 0	
	Do	Do	4 0	4 0 0	Do ..	.....	.....	.....	1 0 0	4 0 0	
	Do	Do	4 0	4 0 0	Do ..	.....	.....	.....	1 0 0	4 0 0	
	Do	Do	4 0	4 0 0	Mark Dicks Mills ..	.....	.....	.....	1 0 0	4 0 0	
	Do	Do				1 0 0		.....	1 0 0		
	Do	Do				1 0 0		.....	1 0 0		
	Do	Do	4 0	4 0 0	George Douglass ..	.....	.....	.....	1 0 0	4 0 0	
	Do	Do	4 0	4 0 0	Do ..	.....	.....	.....	1 0 0	4 0 0	
	Do	Do	4 0	4 0 0	Do ..	.....	.....	.....	1 0 0	4 0 0	
	Do	Do	4 0	8 0 0	Abraham Hicks ..	.....	.....	.....	1 0 13	8 13 0	
May 18			1 0	1 0 0	William Allen ..	.....	.....	13 1 0	.....	13 5 0	
	Do	Do	1 0	1 0 0	Do ..	.....	.....	14 3 0	.....	14 15 0	
	Do	Do	1 0	1 6 0	Do ..	.....	.....	15 0 0	.....	19 10 0	
	Do	Do	1 0	1 0 0	Do ..	.....	.....	28 2 0	.....	28 10 0	
	Do	Do	1 0	1 11 0	Do	28 2 0	44 3 6	
	Do	Do	1 0	1 6 0	William Bielefeld	23 2 0	29 5 0	

CROWN LANDS.

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Date.	Place.						Country.	Suburban.		
1861.										
May 18	Nundie	Tanworth.	£ s. d.	£ s. d.						
	Do	Do	1 0 0	1 6 0	George Douglass..	John Stilger	a. r. p.	a. r. p.	£ s. d.	£ s. d.
	Do	Do	1 0 0	1 0 0	Do	Do	26 1 0	....	29 5 0	5 0 0
	Do	Do	1 0 0	1 0 0	Do	Do	33 0 0	....	33 0 0	0 0 0
	Do	Do	1 0 0	1 14 0	Franklyn Bunch..	Do	41 0 0	....	41 0 0	0 0 0
	Do	Do	1 0 0	1 17 0	John Edwards	Do	37 0 0	....	62 18 0	0 0 0
	Do	Do	1 0 0	2 0 0	William Blevin	Do	34 0 0	....	62 18 0	0 0 0
	Do	Do	1 0 0	2 0 0	Do	Do	29 2 0	....	59 0 0	0 0 0
	Do	Do	1 0 0	2 3 0	John Edwards	Do	25 0 0	....	50 0 0	0 0 0
	Do	Do	1 0 0	1 16 0	Henrick Heymann	Do	17 0 0	....	36 11 0	0 0 0
	Do	Do	1 0 0	2 0 0	William Bielefeld	Do	16 1 0	....	29 5 0	0 0 0
May 22	Mudgec	Mudgec	1 0 0	2 0 0			6 1 17	....	13 0 8	
	Do	Do					20 2 0			
	Do	Do					51 0 0			
	Do	Do					69 0 0			
	Do	Do					79 0 0			
	Do	Do					25 2 0			
	Do	Do					29 2 0			
	Do	Do					22 1 0			
	Do	Do					30 0 0			
	Do	Do					36 0 0			
	Do	Do					35 0 0			
	Do	Do					40 0 0			
	Do	Do					40 0 0			
	Do	Do					40 0 0			
	Do	Do					30 0 0			
	Do	Do					40 0 0			
	Do	Do					20 0 0			
	Do	Do					30 0 0			
	Do	Do					40 0 0			
	Do	Do					40 0 0			
	Do	Do					41 0 0			
	Do	Do					29 2 0			
	Walcha	Armidale	4 0 0	4 0 0	Mary Ann Hardy			1 0 6	4 3 0	
	Do	Do	1 0 0	1 0 0	Alexander M'Hattan			15 0 30		
	Do	Do	1 0 0	2 0 0	Abraham Nivison			24 3 34	24 18 0	
	Do	Do	1 0 0	4 1 0	Do		20 0 0		84 0 0	
	Do	Do	1 0 0	1 10 0	Patrick Hynes			42 0 0	121 10 0	
	Do	Do	1 0 0	1 10 0	Do		30 0 0			
	Do	Do	1 10 0	1 10 0	Louisa Pelke	Patrick Hynes..	5 0 0		7 10 0	0 16 0
	Do	Do	4 0 0	4 0 0	James Town	Ebenezer Keats..	5 0 0		7 10 0	1 16 0
	Do	Do	4 0 0	4 0 0	Do		5 0 0			
	Do	Do	3 0 0	3 0 0	Ann Coates			5 0 0		
	Do	Do	3 0 0	3 0 0	Mary Catherine M'Cauley			5 0 0		
	Do	Do	3 0 0	3 0 0	Do			1 0 6	4 3 0	
	Do	Do	3 0 0	3 10 0	Mary Elizabeth Warren..			1 0 0	4 0 0	
	Do	Do	3 0 0	4 5 0	Richard Roberts Hughson			3 0 0		
	Do	Do	3 0 0	4 5 0	Mary Elizabeth Warren..			2 1 35	9 5 2	
	Do	Do	3 0 0	3 0 0	Do			2 2 0	7 10 0	
	Do	Do	3 0 0	3 15 0	Callaghan M'Carthy			2 2 0	12 10 0	
	Do	Do	3 0 0	4 5 0	Do			2 2 0	7 10 0	
	Do	Do	3 0 0	4 5 0	Frederick Lawrence			2 2 0	8 15 0	
	Do	Do	3 0 0	4 0 0	Do			2 2 0	10 12 6	
	Do	Do	3 0 0	4 5 0	Thomas Nicholson			2 2 0	10 12 6	
	Do	Do	3 0 0	4 15 0	Do			2 2 0	7 10 0	
	Do	Do	3 0 0	5 5 0	Samuel Smith			2 2 0	11 17 6	
	Do	Do	3 0 0	5 5 0	Do			2 2 0	13 2 6	
	Do	Do	2 10 0	6 0 0	Arundel Everett	William Bishop..	3 1 34		18 3 9	
	Do	Do	2 10 0	3 5 0	Do		5 3 35			3 8 9
	Do	Do	2 10 0	3 0 0	Do		5 2 13		33 12 9	
	Do	Do					5 1 38		17 16 9	
	Do	Do					5 1 38		16 9 3	
	Do	Do					5 1 38			1 10 3
	Do	Do	3 0 0	3 0 0	Arthur John Nicholls	R. Forbes Milne..	5 1 38			1 13 0
	Do	Do	3 0 0	3 0 0	Conrad Gardöll		3 2 17		10 16 5	
	Do	Do	3 0 0	3 0 0	Do	R. Forbes Milne..	3 2 19			1 1 9
	Do	Do	3 0 0	3 0 0	Matthew Brown		3 2 21		10 17 11	
	Do	Do	3 0 0	3 0 0	Arundel Everett	W. B. Howarth..	3 2 21			1 8 6
	Do	Do	3 0 0	3 0 0	Do	T. Nicholson	4 2 50			1 8 9
	Do	Do	3 0 0	3 15 0	Do		4 3 6			
	Do	Do	3 0 0	3 0 0	Do		3 0 31		9 11 8	
	Do	Do	3 0 0	3 10 0	Do		3 0 31		9 11 8	
	Do	Do	3 0 0	3 0 0	Do		4 1 11		16 4 0	
	Do	Do	3 0 0	3 0 0	Do		3 2 4		10 11 6	
	Do	Do	3 0 0	3 0 0	Do		2 2 20		9 3 9	
	Do	Do	3 0 0	3 0 0	Do		3 0 32		9 12 0	
	Do	Do	3 0 0	3 0 0	Do	Mary C. Warren..	3 0 32			0 19 3
	Do	Do	3 0 0	3 0 0	Do	T. Nicholson	4 3 5			1 9 2
	Do	Do	3 0 0	3 0 0	Do	M. Eliz. Howarth	4 2 27			1 8 1
	Do	Do	2 10 0				11 2 25			
	Do	Do	4 0 0				1 1 12			

CROWN LANDS.

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Date.	Place.						Country.	Suburban.		
1861.			£ s. d.	£ s. d.			a. r. p.	a. r. p.	£ s. d.	£ s. d.
May 30	Hay	Barrnald	1 0	1 0 0	William John Disher	11 0 32	11 4 0	
	Do	Do	1 0	1 0 0	Do	.....	11 0 32	.....	11 4 0	
	Do	Do	1 0	1 0 0	Henry Colman	.....	11 0 32	.....	11 4 0	
	Do	Do					9 2 16			
	Do	Do					9 2 16			
	Do	Do					9 2 16			
	Do	Do					9 2 16			
	Do	Do					21 0 0			
	Do	Do	1 0	1 0 0	William John Disher	.....	19 1 0	.....	19 5 0	
	Do	Do	4 0	4 0 0	Thomas Disher	.....		1 0 0	4 0 0	
	Do	Do	3 0	3 0 0	Henry Colman	.....		3 0 22	9 8 6	
	Do	Do	3 0	6 6 0	Do	.....		3 0 23	19 16 6	
	Do	Do	3 0	14 0 0	William John Disher	.....		3 0 38	45 6 6	
	Do	Do	4 0	4 0 0	Elliott Charles Randell	.....		1 0 0	4 0 0	
	Do	Do						1 0 0		
	Do	Do						1 0 0		
	Do	Do	4 0	4 5 0	Elliott Charles Randell	.....		1 0 0	4 5 0	
	Do	Do	4 0	14 0 0	Do	.....		0 3 28	12 19 0	
	Do	Do	4 0	20 0 0	Do	.....		1 2 0	30 0 0	
	Do	Do	4 0	7 15 0	George Dorward	.....		1 2 0	11 12 6	
	Do	Do	4 0	4 10 0	Joseph Wright	.....		1 2 0	6 15 0	
	Do	Do	4 0	5 0 0	William Sabine	.....		1 2 0	7 10 0	
	Do	Do	4 0	4 0 0	Thomas Lang	.....		1 0 0	4 0 0	
	Do	Do	4 0	4 0 0	Do	.....		1 0 0	4 0 0	
	Do	Do	4 0	4 0 0	Henry Colman	.....		1 0 0	4 0 0	
June 6	Newcastle	Newcastle					41 0 0			
	Do	Do					50 0 0			
	Do	Do					50 0 0			
	Do	Do	8 0	20 0 0	Henry Pilkington	.....		0 1 25	8 2 6	
	Do	Do	8 0	12 15 0	Peter Fleming	.....		0 1 5	3 11 9	
	Do	Do	8 0	13 0 0	Charles Way	.....		0 1 17	4 12 8	
	Do	Do	8 0	11 0 0	Thomas Grove	.....		0 1 30	4 16 3	
	Do	Do	8 0	15 0 0	Peter Fleming	.....		0 1 38	7 6 3	
	Do	Do	8 0	8 10 0	Thomas Grove	.....		0 2 0	4 5 0	
	Do	Do	8 0	8 5 0	Peter Fleming	.....		0 2 0	4 2 6	
	Do	Do	8 0	8 5 0	John Nixon	.....		0 2 0	4 2 6	
	Do	Do	8 0	9 0 0	Do	.....		0 2 0	4 10 0	
	Do	Do	8 0	8 5 0	Peter Fleming	.....		0 2 0	4 2 6	
	Do	Do	8 0	9 0 0	Do	.....		0 2 0	4 10 0	
	Do	Do	8 0	8 5 0	John Smith	.....		0 2 0	4 2 6	
	Do	Do	8 0	16 5 0	Do	.....		0 2 0	8 2 6	
	Do	Do	8 0	16 0 0	Peter Fleming	.....		0 2 0	5 0 0	
	Do	Do	8 0	12 15 0	John Smith	.....		0 2 0	6 7 6	
	Do	Do	8 0	17 5 0	Thomas Swain	.....		0 1 31	7 13 2	
	Do	Do	8 0	17 0 0	Do	.....		0 2 13	9 17 9	
	Do	Do	8 0	9 10 0	John Smith	.....		0 2 25	6 4 9	
	Do	Do	8 0	8 15 0	Patrick Welsh	.....		0 2 24	5 13 9	
	Do	Do	8 0	16 0 0	James Roe	.....		0 1 24	6 8 0	
	Windsor	Windsor	1 0	1 0 0	G. M. Countess Bowen	.....	34 0 0	.....	34 0 0	
	Do	Do	1 0	1 0 0	Do	.....	24 1 0	.....	24 5 0	
	Do	Do	1 0	1 0 0	Do	.....	40 2 0	.....	40 10 0	
	Do	Do	1 0	1 0 0	Do	.....	21 3 0	.....	21 15 0	
	Do	Do	1 0	1 0 0	Do	.....	20 0 0	.....	20 0 0	
	Do	Do	1 0	1 0 0	Do	.....	21 1 0	.....	21 5 0	
	Do	Do	1 0	1 0 0	Do	.....	247 1 0	.....	247 5 0	
June 8	Muswellbrook	Muswellbrook	1 0	1 0 0	John Hobart Cox	.....	44 0 0	.....	44 0 0	
	Do	Do	1 0	1 0 0	Do	.....	40 0 0	.....	40 0 0	
	Do	Do	1 0	1 0 0	Do	.....	40 0 0	.....	40 0 0	
June 10	Armidale	Armidale								
	Do	Do				Evan E. Rowsell	20 0 0			2 0 0
	Do	Do					20 0 0			
	Do	Do					20 0 0			
	Do	Do					20 0 0			
	Do	Do					20 0 0			
	Do	Do					20 0 0			
	Do	Do					20 0 0			
	Do	Do					38 0 0			
	Do	Do					40 0 0			
	Do	Do				Franklin Jacks	40 0 0			4 0 0
	Do	Do					38 0 0			
	Do	Do					20 0 0			
	Do	Do					20 0 0			
	Do	Do					20 0 0			
	Do	Do					20 0 0			
	Do	Do					20 0 0			
	Do	Do					20 0 0			
	Do	Do					20 0 0			
	Do	Do					20 0 0			
	Goulburn	Goulburn				Evan E. Rowsell	17 2 0			1 18 0
	Do	Do					77 0 0			
	Do	Do					49 0 0			
	Do	Do					34 2 0			
	Do	Do					34 1 0			
	Do	Do					34 0 0			
	Do	Do					33 3 0			
	Do	Do					45 8 0			
	Do	Do					53 0 0			
	Do	Do					41 1 0			

CROWN LANDS.

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Date.	Place.							Country.	Suburban.						
			£ s. d.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.				
1861.	June 10	Goulburn	Goulburn	1 0 0	1 0 0	0	Robert Plumb	33	2	0	32	10	0		
		Do	Do	1 0 0	1 0 0	0	Do	36	0	0	36	0	0		
		Do	Do	1 0 0	1 0 0	0	Do	32	0	0	32	0	0		
		Do	Do	1 0 0	1 0 0	0	Do	46	2	0	46	10	0		
		Do	Do	1 0 0	1 0 0	0	Do	67	0	0	67	0	0		
		Do	Do	1 0 0	1 0 0	0	Do	31	0	0	31	0	0		
		Do	Do	1 0 0	1 0 0	0	Ronald M'Donnell	60	0	0	60	0	0		
		Do	Do	1 0 0	1 0 0	0	John Warns	53	3	0	53	15	0		
		Do	Do	1 0 0	1 0 0	0	Do	41	2	0	41	10	0		
		Do	Do	1 0 0	1 0 0	0	Do	31	0	0	31	0	0		
		Do	Do	1 0 0	1 0 0	0	Thomas Woore	31	0	0	31	0	0		
		Do	Do	1 0 0	1 12	0	Do	37	0	0	59	4	0		
		Do	Do	1 0 0	1 8	0	Do	46	0	0	64	8	0		
		Do	Do	1 0 0	1 0	0	Do	44	0	0	44	0	0		
		Do	Do	1 0 0	1 0	0	Do	50	0	0	50	0	0		
		Do	Do	1 0 0	1 0	0	Do	30	0	0	30	0	0		
		Do	Do	1 0 0	1 0	0	Do	32	0	0	32	0	0		
		Do	Do	1 0 0	1 0	0	Richard Siggs	35	0	0	35	0	0		
		Do	Do	1 0 0	1 0	0	Margaret Podmore	32	0	0					
		Do	Do					1 0 0							
		Do	Do					1 0 0	Michael Ryan	43	3	0	4	7	6
		Do	Do					1 0 0		45	0	0			
		Do	Do	1 0 0	1 0	0	James Weatherspoon	32	0	0	32	0	0		
		Do	Do	1 0 0	1 0	0	Eli Peach	32	0	0	32	0	0		
		Do	Do	1 0 0	1 0	0	Mary Weatherspoon	40	0	0	40	0	0		
		Do	Do	1 0 0	1 0	0	John Lynch	34	0	0	34	0	0		
		Do	Do	1 0 0	1 0	0	Do	37	0	0	37	0	0		
		Do	Do	1 0 0	1 0	0	Do	42	0	0	42	0	0		
		Do	Do	1 0 0	1 0	0	Do	36	0	0	36	0	0		
		Do	Do	1 0 0	1 0	0	Do	34	0	0	34	0	0		
		Do	Do					1 0 0		46	0	0			
		Do	Do	1 0 0	1 0	0	Job Gray	37	0	0	37	0	0		
		Do	Do	1 0 0	1 0	0	Hugh M'Lauchlin	36	0	0	36	0	0		
		Do	Do	1 0 0	1 0	0	Job Gray	34	0	0	34	0	0		
		Do	Do	1 0 0	1 0	0	Isaac Pratton	28	2	0	28	10	0		
		Do	Do	1 0 0	1 0	0	Alexander Long	103	0	0	103	0	0		
		Do	Do					1 0 0		30	0	0			
		Rylstone	Rylstone	1 0 0	1 0	0	Andrew Dunn, junr.	49	0	0	49	0	0		
		Do	Do	1 0 0	1 0	0	James Morrison	30	0	0	30	0	0		
		Do	Do	1 0 0	1 0	0	Edward Cox	40	0	0	40	0	0		
		Do	Do	1 0 0	1 0	0	Do	30	0	0	30	0	0		
		Do	Do	1 0 0	1 0	0	Henry Wilson Bloomfield	30	0	0	30	0	0		
		Do	Do	1 0 0	1 0	0	Do	40	0	0	40	0	0		
		Do	Do	1 0 0	1 0	0	Do	49	3	0	49	15	0		
		Do	Do	1 0 0	1 0	0	Do	31	2	0	31	10	0		
		Do	Do	1 0 0	1 0	0	Thos. Jerman Hawkins	31	2	0	31	10	0		
		Do	Do	1 0 0	1 0	0	Do	38	2	0	35	10	0		
		Do	Do	1 0 0	1 0	0	Do	40	0	0	40	0	0		
		Do	Do					1 0 0		68	2	0			
		Do	Do	1 0 0	1 0	0	Henry Wilson Bloomfield	31	0	0	31	0	0		
		Do	Do	1 0 0	3 10	0	John Shervey	33	0	0	115	10	0		
		Do	Do	1 0 0	1 0	0	Edward Cox	31	0	0	31	0	0		
		Do	Do					1 0 0		33	0	0			
		Do	Do					1 0 0		31	0	0			
		Do	Do	1 0 0	1 0	0	Robert Dillow	39	0	0	39	0	0		
		Do	Do	1 0 0	2 9	0	Henry Harris	33	0	0	80	17	0		
		Do	Do	1 0 0	1 0	0	Robert Leader	36	0	0	36	0	0		
		Do	Do	1 0 0	1 4	0	Edward Cox	54	0	0	64	16	0		
June 12	Tamworth	Tamworth						1 0 0		15	0	0			
	Do	Do						1 0 0		24	1	0			
	Do	Do						1 0 0		20	2	0			
	Do	Do						1 0 0		19	1	0			
	Do	Do						1 0 0		26	0	0			
	Do	Do						1 0 0		28	2	0			
	Do	Do						1 0 0		35	0	0			
	Do	Do						1 0 0		26	0	0			
	Do	Do						1 0 0		25	1	0			
	Do	Do						1 0 0		26	2	0			
	Do	Do						1 0 0		36	3	0			
	Do	Do						1 0 0		22	2	0			
	Do	Do						1 0 0		39	3	0			
	Do	Do						1 0 0		20	0	0			
	Do	Do						1 0 0		17	1	0			
	Do	Do						4 0 0		1	2	12			
	Do	Do						4 0 0		1	1	5			
	Do	Do						4 0 0		1	2	25			
	Do	Do						4 0 0		1	0	33			
	Do	Do						4 0 0		1	2	16			
	Do	Do						2 10 0		5	3	35			
	Do	Do						3 0 0		4	3	8			
	Do	Do						2 10 0		6	2	35			
	Do	Do						3 0 0		4	3	8			
	Do	Do						3 0 0		4	3	8			
	Do	Do						3 0 0		4	3	8			

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CROWN LANDS.

(STATISTICS RESPECTING.)

Ordered by the Legislative Assembly to be Printed, 11 December, 1862.

RETURN (in continuation) to an Order made by the Honorable the Legislative Assembly of New South Wales, dated 9 September, 1862, That there be laid upon the Table of this House,—

“(1.) A Return of all Crown Lands, exclusive of town allotments, put up for sale by auction in quantities not exceeding 320 acres, from the 1st day of January, 1860, to the 31st day of December, 1861, inclusive, shewing the dates and places at which the several auctions were held, the districts in which the said lands were situated, the upset price of the lots sold, and the prices realized in each case, together with the names of the purchasers; also, the upset price of the lots not bid for or otherwise withdrawn from sale, or upon which the purchase money was not made good, or the deposit forfeited; together with the names of the bidders (if any) in each instance, and distinguishing, in all cases, country lands from suburban.

“(2.) A Return of all Crown Lands measured under the authority of the Government, in quantities not exceeding 320 acres, from the 1st day of January, 1862, to the 30th day of June last, with the view of being set up for sale by auction, specifying the districts in which the lands so measured are situated, the number of acres, and the upset price of each lot, with the names of the parties on whose applications the said lands were put up for sale by auction, and distinguishing, in like manner, country lands from suburban.

“(3.) A Return of all Crown Lands measured during the same period, namely, from the 1st day of January, 1862, to the 30th of June last, inclusive, by Government or licensed surveyors, on the application of, or on behalf of, conditional purchasers, or which is intended to be left open to conditional purchase under the 13th clause of the Crown Lands Alienation Act, and of which Returns may have reached the Surveyor General’s Office up to the date of compiling this Return.”

(Mr. Harpur.)

CROWN LANDS.

A RETURN of all Crown Lands, exclusive of Town Allotments, put up for sale by auction, in quantities not exceeding 320 acres, from the 1st day of January, 1860, to the 31st day of December, 1861, inclusive, shewing the dates and places at which the several auctions were held, the Districts in which the said lands were situated, the upset price of the lots sold, and the prices realized in each case, together with the names of the purchasers; also, the upset price of the lots not bid for or otherwise withdrawn from sale, or upon which the purchase money was not made good, or the deposit forfeited; together with the names of the bidders (if any) in each instance, and distinguishing, in all cases, Country lands from Suburban.

[NOTE.—In all cases in which the columns are open, no sale was effected.]

Date and Place at which the Auction was held.		District in which the Lands were situated.	Upset price per acre of Land sold.	Prices per acre realized in each case.	Names of Purchasers.	Upset price per acre of lots not sold for which the purchase money was not made good, or the deposit forfeited.	Names of Bidders.	Description of Land.		Amount realized.	Deposit forfeited.
Date.	Place.							Country.	Suburban.		
1861.	July 4	Camden	£ 3 0	£ 3 0 0	William Wonson ..	£ 3 0 0	.....	a. r. p.	3 3 29	£ 11 15 11	
	Do	Do	3 0	3 0 0	Do ..	.....	.....	a. r. p.	3 1 39	10 9 8	
	Do	Do	3 0	3 0 0	George Donceley ..	.....	.....	a. r. p.	2 2 0	7 10 0	
	Do	Do	3 0	3 0 0	Patrick Moore ..	.....	.....	a. r. p.	2 2 0	8 10 0	
	Do	Do	3 0	3 0 0	William Wonson ..	.....	.....	a. r. p.	2 3 29	8 15 11	
	Do	Do	3 0	3 0 0	Do ..	.....	.....	a. r. p.	2 1 39	7 9 8	
	Do	Do	3 0	3 0 0	Do ..	.....	.....	a. r. p.	2 2 0	7 10 0	
	Do	Do	3 0	3 0 0	Do ..	.....	.....	a. r. p.	2 2 0	7 10 0	
	Do	Do	3 0	3 0 0	Do ..	.....	.....	a. r. p.	2 2 0	7 10 0	
	Do	Do	4 0	4 1 0	John Ackroyd ..	.....	.....	a. r. p.	1 3 29	7 16 6	
	Do	Do	4 0	4 1 0	Do ..	.....	.....	a. r. p.	2 2 0	7 16 6	0 15 0
	Inverell	Wellingrove	1 0	1 0 0	Martin Kelly ..	3 0 0	John Ackroyd ..	a. r. p.	12 3 24	12 18 0	
	Do	Do	1 0	1 0 0	Do ..	.....	.....	a. r. p.	16 0 0	16 0 0	
	Do	Do	1 0	1 0 0	Do ..	.....	.....	a. r. p.	21 2 0	21 10 0	
	Do	Do	1 0	1 0 0	Do ..	.....	.....	a. r. p.	21 2 0	21 10 0	
	Do	Do	1 0	1 0 0	Do ..	.....	.....	a. r. p.	34 0 0	34 0 0	
	Do	Do	1 0	1 17 0	John Moore ..	.....	.....	a. r. p.	40 3 0	75 7 9	
	Do	Do	1 0	1 10 0	John Glazer ..	.....	.....	a. r. p.	40 3 0	61 2 6	
	Do	Do	1 0	1 1 0	John Cannons ..	.....	.....	a. r. p.	40 3 0	42 15 9	
	Do	Do	1 0	1 0 0	Henry Howard ..	.....	.....	a. r. p.	40 3 0	40 15 0	
	Do	Do	1 0	1 0 0	Do ..	.....	.....	a. r. p.	29 0 0	.....
	Do	Do	1 0	1 0 0	Do ..	1 0 0	Philip Ditmas ..	a. r. p.	56 0 0	.....	5 12 0
	Do	Do	1 0	1 0 0	Do ..	1 0 0	.....	a. r. p.	58 0 0	.....
	Do	Do	1 0	1 0 0	Do ..	1 0 0	.....	a. r. p.	57 0 0	.....
	Do	Do	1 0	1 0 0	John Lehan ..	1 0 0	.....	a. r. p.	54 0 0	54 0 0	
	Do	Do	1 0	1 0 0	Do ..	1 0 0	.....	a. r. p.	40 0 0	.....
	Do	Do	1 0	1 0 0	Thomas Mitchell..	.....	.....	a. r. p.	20 0 0	20 0 0	
	Do	Do	1 0	1 0 0	Do ..	.....	.....	a. r. p.	20 0 0	20 0 0	
	Do	Do	1 0	1 0 0	Do ..	1 0 0	.....	a. r. p.	28 0 0	.....
	Do	Do	1 0	1 0 0	Do ..	1 0 0	.....	a. r. p.	12 2 16	.....
	Do	Do	1 0	1 0 0	William McCartney ..	.....	.....	a. r. p.	20 0 0	20 0 0	
	Do	Do	1 0	1 0 0	William White ..	.....	.....	a. r. p.	14 0 0	14 0 0	
	Do	Do	1 0	1 0 0	Michael Ryan ..	.....	.....	a. r. p.	11 0 0	11 0 0	
	Do	Do	1 0	1 3 0	William James Ayres ..	.....	.....	a. r. p.	12 1 0	15 18 6	
	Do	Do	1 0	1 0 0	Do ..	1 0 0	W. W. Fraser ..	a. r. p.	14 0 0	.....	1 8 0
	Do	Do	1 0	1 0 0	John Alexander Martin..	.....	.....	a. r. p.	14 2 0	14 10 0	
	Do	Do	1 0	1 5 0	Angus M'Iver ..	.....	.....	a. r. p.	16 3 0	20 18 9	
	Do	Do	1 0	1 11 0	William Selby ..	.....	.....	a. r. p.	25 0 0	38 15 0	
	Do	Do	1 0	1 0 0	Henry Harmond ..	.....	.....	a. r. p.	20 0 0	20 0 0	
	Do	Do	1 0	1 2 0	William Selby ..	1 0 0	W. W. Fraser ..	a. r. p.	20 0 0	22 0 0	2 0 0
	Do	Do	1 0	1 2 0	Do ..	1 0 0	.....	a. r. p.	20 0 0	.....
	Do	Do	1 0	1 0 0	Hugh Hutton ..	.....	.....	a. r. p.	29 0 0	18 0 0	
	Do	Do	1 0	1 3 0	John Madden ..	.....	.....	a. r. p.	18 0 0	17 5 0	
	Do	Do	1 0	1 0 0	Do ..	1 0 0	.....	a. r. p.	15 0 0	.....
	Do	Do	1 0	1 0 0	Do ..	1 0 0	.....	a. r. p.	45 0 0	.....
	Do	Do	1 0	1 0 0	Do ..	1 0 0	.....	a. r. p.	47 0 0	.....
	Do	Do	1 0	1 0 0	Do ..	1 0 0	.....	a. r. p.	33 0 0	.....
	Do	Do	1 0	1 0 0	Do ..	1 0 0	.....	a. r. p.	35 0 0	.....
	Do	Do	3 0	3 0 0	Do ..	3 0 0	.....	a. r. p.	4 0 32	.....
	Do	Do	3 0	3 0 0	Do ..	3 0 0	.....	a. r. p.	4 2 0	.....
	Do	Do	3 0	3 0 0	Do ..	3 0 0	.....	a. r. p.	4 2 0	.....
	Do	Do	3 0	3 12 0	William Armstrong ..	.....	.....	a. r. p.	4 0 32	15 2 9	
	Do	Do	3 0	3 0 0	Do ..	.....	.....	a. r. p.	4 0 32	12 12 0	
	Do	Do	3 0	3 0 0	Do ..	3 0 0	.....	a. r. p.	4 0 32	.....
	Do	Do	3 0	3 0 0	Do ..	3 0 0	William Selby ..	a. r. p.	4 0 32	.....	1 5 3
	Do	Do	3 0	3 0 0	William Selby ..	.....	.....	a. r. p.	3 1 36	10 8 6	
	Do	Do	3 0	3 0 0	Do ..	.....	.....	a. r. p.	3 1 13	10 0 0	
	Do	Do	3 0	3 0 0	Do ..	.....	.....	a. r. p.	3 2 34	11 2 9	
	Do	Do	3 0	3 0 0	Do ..	3 0 0	.....	a. r. p.	3 2 34	.....
	Do	Do	3 0	3 0 0	Do ..	3 0 0	.....	a. r. p.	3 1 13	.....
	Do	Do	3 0	3 0 0	William Selby ..	.....	.....	a. r. p.	3 1 36	10 8 6	
	Do	Do	1 0	1 0 0	Do ..	1 0 0	.....	a. r. p.	54 0 0	.....
	Do	Do	1 0	1 0 0	Do ..	1 0 0	.....	a. r. p.	44 0 0	.....
	Do	Do	1 0	1 0 0	Do ..	1 0 0	.....	a. r. p.	28 0 0	.....

CROWN LANDS.

Date and Place at which the Auction was held.		District in which the Lands were situated.	Upset price per acre of Land sold.	Prices per acre realized in each case.	Names of Purchasers.	Names of Bidders.	Description of Land.		Amount realized.	Deposit forfeited.
Date.	Place.						Country.	Suburban		
1861.			£ s.	£ s. d.			a. r. p.	a. r. p.	£ s. d.	£ s. d.
July 12	Carcoar	Carcoar								
	Do	Do					1 0 0			
	Do	Do					40 0 0			
	Do	Do					32 2 0			
	Do	Do					30 0 0			
	Do	Do					31 0 32			
	Do	Do					31 1 0			
	Do	Do					40 0 0			
	Do	Do					50 2 0			
	Do	Do					48 3 0			
	Do	Do					47 2 0			
	Do	Do					42 3 0			
	Do	Do					40 2 0			
	Do	Do					45 0 0			
	Do	Do					40 0 0			
	Do	Do					25 0 0			
	Do	Do					31 2 0			
	Do	Do					38 1 0			
	Do	Do					31 1 0			
	Do	Do					31 3 0			
	Do	Do					29 0 0			
	Do	Do					41 2 0			
	Do	Do					40 3 0			
	Do	Do					29 0 0			
	Do	Do					25 2 32			
	Do	Do					45 0 0			
	Do	Do	1 0	1 0 0	Barnard Stimpson	.....	53 3 0	.....	53 15 0	
	Do	Do	1 0	1 0 0	Do	.....	41 0 0	.....	41 0 0	
	Do	Do	1 0	1 0 0	Do	.....	36 0 0	.....	36 0 0	
	Do	Do	1 0	1 0 0	Do	.....	38 0 0	.....	38 0 0	
	Do	Do					35 0 0			
	Do	Do					32 0 0			
	Do	Do					31 2 0			
	Do	Do					37 0 0			
	Do	Do					36 0 0			
	Do	Do					41 0 0			
	Do	Do					38 0 0			
July 13	Do	Do	1 0	1 0 0	John Loudon	.....	30 0 0	.....	30 0 0	
	Do	Do	1 0	1 0 0	Barnard Stimpson	.....	39 0 0	.....	39 0 0	
	Do	Do					42 2 0			
	Do	Do					40 2 0			
	Do	Do					41 1 0			
	Do	Do					41 3 0			
	Do	Do					42 0 0			
	Do	Do					41 0 0			
	Do	Do				Solomon Meyer	132 0 0			20 0 0
	Do	Do					55 3 0			
	Do	Do					48 0 0			
	Do	Do					44 0 0			
	Do	Do	1 0	1 0 0	Hugh Mortimer Rowland	.....	47 3 0	.....	47 15 0	
	Do	Do					47 3 0			
	Do	Do					36 0 0			
	Do	Do					42 3 0			
	Do	Do					41 0 0			
	Do	Do					45 0 0			
	Do	Do					35 0 0			
	Do	Do					37 0 0			
	Do	Do					31 0 0			
	Do	Do					30 0 0			
	Do	Do					40 0 0			
	Do	Do					29 0 0			
	Do	Do	4 0	4 0 0	Thomas Frederick Meyer	.....	1 0 0	1 0 0	4 0 0	
	Do	Do	4 0	4 0 0	Do	.....	1 0 0	1 0 0	4 0 0	
	Do	Do					4 0 0			
	Do	Do					4 0 0			
	Do	Do					4 0 0			
	Do	Do					4 0 0			
	Do	Do					4 0 0			
	Do	Do					4 0 0			
	Do	Do					4 0 0			
July 15	Bathurst	Bathurst					37 0 0			
	Do	Do					45 0 0			
	Do	Do					32 0 0			
	Do	Do					32 0 0			
	Do	Do				Chas. C. Warby	37 0 0			3 14 0
	Do	Do					44 0 0			
	Do	Do					46 0 0			
	Do	Do					39 0 0			
	Do	Do				Chas. C. Warby	31 0 0			3 2 0
	Do	Do	1 0	2 1 0	J. N. McIntosh, R. H. Oakes, W. H. Oakes.	.....	39 2 0	.....	80 19 6	
	Do	Do	1 0	5 15 0	Do	.....	40 2 0	.....	232 17 6	
	Do	Do	1 0	1 0 0	Charles Cable Warby	.....	28 2 0	.....	28 10 0	

CROWN LANDS.

Date and Place at which the Auction was held.		District in which the Lands were situated.	Upset price per acre of Land sold.	Price per acre realized in each case.	Names of Purchasers.	Names of Bidders.	Description of Land.		Amount realized.	Deposit forfeited.
Date.	Place.						Country.	Suburban.		
1861.	July 15	Bathurst	£ s.	£ s. d.	Charles Cable Warby		a. r. p.	a. r. p.	£ s. d.	£ s. d.
		Do					41 1 0			
		Do					38 3 0			
		Do					1 0 0			
		Do					30 0 0			
		Do					30 0 0			
		Do					25 0 25			
		Do					29 2 16			
		Do					30 1 24			
		Do					30 0 0			
		Do					42 0 0			
		Do	1 0	4 11 0	J. N. M'Intosh, R. H. Oakes, W. H. Oakes		41 1 0		187 13 9	
		Do				J. N. M'Intosh, R. H. Oakes, W. H. Oakes	36 3 0			3 14 0
		Do					27 1 0			
		Do					29 3 0			
		Do					36 3 0			
		Do					41 1 0			
		Do					27 3 0			
		Do					43 0 0			
		Do					56 0 0			
		Do					54 0 0			
		Do					44 0 0			
		Do					32 0 0			
		Do					38 0 0			
		Do					35 1 0			
		Do					34 0 0			
		Do					50 2 0			
		Do					43 0 0			
		Do					26 3 0			
		Do					37 0 0			
		Do					48 0 0			
		Do					33 0 0			
		Do					35 0 0			
		Do				J. N. M'Intosh, R. H. Oakes, W. H. Oakes	27 3 0			9 18 0
		Do				C. C. Warby	31 3 0			4 6 0
July 16		Do					28 0 0			
		Do					35 0 0			
		Do					45 0 0			
		Do					41 0 0			
		Do					42 0 0			
		Do	1 0	1 0 0	John Jones		55 0 0		55 0 0	
		Do	1 0	1 0 0	Do		40 0 0		40 0 0	
		Do					28 0 0			
		Do					29 0 0			
		Do					31 0 0			
		Do	1 0	1 0 0	John Jones		34 0 0		34 0 0	
		Do	1 0	1 0 0	Do		44 0 0		44 0 0	
		Do					31 3 0			3 0 0
		Do				Michael Russell	30 0 0			3 1 0
		Do	1 0	1 0 0	James Gorman		43 3 0		43 15 0	
		Do					50 3 0			
		Do	1 0	1 0 0	James Gorman		31 0 0		31 0 0	
		Do				Daniel Russell	30 1 0			3 1 0
		Do					30 0 0			
		Do	1 0	1 0 0	Matthew Hughes Harris		40 0 0		40 0 0	
		Do					42 0 0			
July 18		Goulburn					22 3 22			
		Do	1 0	1 0 0	Michael Purcell		40 0 0		40 0 0	
		Do					40 0 0			29 15 6
		Do	1 0	1 0 0	John Murphy	John Murphy	99 1 0		30 0 0	
		Do	1 0	1 6 0	Patrick Byrne		104 0 0		135 4 0	
		Do					40 2 0			
		Do					40 2 0			
		Do					40 2 0			
		Do					40 2 0			
		Do					40 2 0			
		Do	1 0	1 0 0	Patrick Foley		40 0 0		40 0 0	
		Do	1 0	1 0 0	Do		30 0 0		30 0 0	
		Do	1 0	2 0 0	Bernard Cullen		30 2 0		61 0 0	
		Do	1 0	1 0 0	Michael M'Ivorney		102 0 0		102 0 0	
		Do	1 0	1 0 0	Joseph Carr		43 1 0		43 5 0	
		Do	1 0	1 0 0	James Byan		44 0 0		44 0 0	
		Do	1 0	1 0 0	Do		45 0 0		43 0 0	
		Do	1 0	1 14 0	James Ryan		31 2 0		53 11 0	
		Do	1 0	1 0 0	Do		33 0 0		33 0 0	
		Do	1 0	1 12 0	Patrick Coleman		30 2 0		48 16 0	
		Do	1 0	1 0 0	Michael M'Grath		30 0 0		30 0 0	
		Do	1 0	1 0 0	Mary Roberts		40 0 0		40 0 0	
		Do					49 0 0			
		Do					57 0 0			
		Do					36 0 0			

CROWN LANDS.

Date and Place at which the Auction was held.		District in which the Lands were situated.	Upset price per acre of Land sold.	Prices per acre realized in each case.	Names of Purchasers.	Upset price per acre of lots not bid for, for which the purchase money was not made good, or the deposit forfeited.	Names of Bidders.	Description of Land.		Amount realized.	Deposit forfeited.
Date.	Place.							Country.	Suburban.		
1861.			£ s. d.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
Aug. 7	Cassilis...	Cassilis...									
	Do ..	Do ..						41 0 0			
	Do ..	Do ..	1 0	1 0 0	George Cohen ..	....		40 3 0			
	Do ..	Do ..	1 0	1 0 0	John Ashton ..	....		45 0 0	....	45 0 0	
	Do ..	Do ..	1 0	1 0 0	Peter Weis ..	....		26 1 0	....	26 5 0	
	Do ..	Do ..	1 0	1 0 0	William Braggett ..	....		42 0 0	....	42 0 0	
	Do ..	Do ..	1 0	1 0 0	Do ..	....		32 0 0	....	32 0 0	
	Do ..	Do ..	1 0	1 0 0	Do ..	....		36 0 0	....	36 0 0	
	Do ..	Do ..	1 0	1 0 0	William Bowman ..	....		39 0 0	....	
	Do ..	Do ..	1 0	1 0 0	Do ..	....		32 0 0	....	32 0 0	
	Do ..	Do ..	1 0	1 0 0	Do ..	....		38 0 0	....	38 0 0	
	Do ..	Do ..	1 0	1 11 0	Do ..	....		39 0 0	....	60 9 0	
	Do ..	Do ..	1 0	1 0 0	William Rains ..	....		20 0 0	....	20 0 0	
	Do ..	Do ..	1 0	1 0 0	John Cassidy ..	....		31 0 0	....	31 0 0	
	Do ..	Do ..	1 0	1 0 0	James Brennan ..	....		42 0 0	....	42 0 0	
	Do ..	Do ..	1 0	1 0 0	William Elliott ..	....		44 0 0	....	44 0 0	
	Do ..	Do ..	1 0	1 0 0	Christopher Ross ..	....		37 0 0	....	37 0 0	
	Do ..	Do ..	1 0	1 2 0	James Brennan ..	....		29 1 0	....	32 3 6	
	Do ..	Do ..	1 0	3 1 0	William Elliott ..	....		64 0 0	....	164 14 0	
Aug. 8	Orange ...	Orange ...	1 0	1 0 0	Thomas Reynolds ..	....		29 2 0	....	29 10 0	
	Do ..	Do ..						43 0 0			
	Do ..	Do ..						39 0 0			
	Do ..	Do ..						43 1 0			
	Do ..	Do ..						49 2 0			
	Do ..	Do ..						54 0 0			
	Do ..	Do ..						48 0 0			
	Do ..	Do ..						42 0 0			
	Do ..	Do ..						53 0 0			
	Do ..	Do ..						42 0 0			
	Do ..	Do ..						44 0 0			
	Do ..	Do ..						63 0 0			
	Do ..	Do ..						46 0 0			
	Do ..	Do ..						20 0 0			
	Do ..	Do ..						30 0 0			
	Do ..	Do ..						40 0 0			
	Do ..	Do ..						41 3 0			
	Do ..	Do ..						40 0 0			
	Do ..	Do ..						47 2 0			
	Do ..	Do ..						29 0 0			
	Do ..	Do ..						37 0 0			
	Do ..	Do ..						51 0 0			
	Do ..	Do ..						33 0 0			
	Do ..	Do ..						36 0 0			
	Do ..	Do ..						33 0 0			
	Do ..	Do ..						35 0 0			
	Do ..	Do ..						28 0 0			
	Do ..	Do ..						26 0 0			
	Do ..	Do ..						35 2 0			
	Do ..	Do ..						55 2 0			
	Do ..	Do ..						30 0 0			
	Do ..	Do ..						40 0 0			
	Do ..	Do ..						33 0 0			
	Do ..	Do ..						31 0 0			
	Do ..	Do ..						34 0 0			
	Do ..	Do ..						34 0 0			
	Do ..	Do ..						40 0 0			
	Do ..	Do ..						30 3 0			
	Do ..	Do ..						35 0 0			
	Do ..	Do ..						35 0 0			
	Do ..	Do ..						39 0 0			
	Do ..	Do ..						41 0 0			
	Do ..	Do ..						41 0 0			
	Do ..	Do ..						33 0 0			
	Do ..	Do ..						32 0 0			
	Do ..	Do ..						33 1 0			
	Do ..	Do ..	1 0	1 0 0	Daniel Trass ..	....		24 0 0			
	Do ..	Do ..	1 0	1 0 0	Jalrock Fahy ..	....		72 1 0	....	72 5 0	
	Do ..	Do ..	1 0	1 0 0	William Falrick ..	....		69 2 0	....	69 10 0	
	Do ..	Do ..	1 0	1 0 0	Edward Taylor ..	....		45 0 0	....	45 0 0	
Aug. 10	Gosford...	Brisbane Water	1 0	1 0 0				47 0 0	....	47 0 0	
	Do ..	Do ..				1 0 0		39 1 0			
	Do ..	Do ..				1 0 0		161 0 0			
	Do ..	Do ..				1 0 0		29 0 0			
	Do ..	Do ..				1 0 0		40 0 0			
	Do ..	Do ..				1 0 0		40 0 0			
	Do ..	Do ..				1 0 0		20 0 0			
	Do ..	Do ..				1 0 0		49 0 0			
	Do ..	Do ..				1 0 0		66 0 0			
	Do ..	Do ..				1 0 0		272 0 0			
	Do ..	Do ..				1 0 0		114 0 0			
	Do ..	Do ..				1 0 0		122 0 0			
	Do ..	Do ..				1 0 0		68 0 0			
	Do ..	Do ..				1 0 0		61 1 0			
	Do ..	Do ..				1 0 0	T. Humphreys, jun.	37 2 0			3 15 0

CROWN LANDS.

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Date.	Place.							Country.	Suburban.		
			£ s. d.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
1861.											
Aug. 10	Gosford	Brisbane Water	1 0	1 10 0	R. Gorman, jun., and J. Spears (minors.)	39 0 0	58 10 0	£ s. d.
	Do	Do	1 0	1 0 0	Patrick M'Guinness	1 0 0	.....	10 0 3	....	10 0 5	
	Do	Do	1 0	2 10 0	James O'Neill	1 0 0	.....	10 1 17	....	25 1 0	
	Do	Do	1 0	1 0 0	John Overall	1 0 0	.....	10 0 3	....	10 0 5	
	Do	Do	1 0	1 0 0	John Overall	1 0 0	.....	10 1 17	....	10 0 5	
	Do	Do	1 0	1 0 0	John Overall	1 0 0	.....	10 0 3	....	11 2 11	
	Do	Do	1 0	1 0 0	John Overall	1 0 0	.....	11 0 23	....	11 2 11	
	Do	Do	1 0	1 0 0	John Overall	1 0 0	.....	10 3 4	....	10 3 4	
Aug. 12	Bathurst	Bathurst				4 0 0	.....	42 0 0	1 0 4		
	Do	Do				4 0 0	.....	4 0 0	1 0 24		
	Do	Do				4 0 0	.....	4 0 0	1 1 4		
	Do	Do	4 0	4 0 0	John Yeates	....	.....	....	1 1 4	5 2 0	
	Do	Do	4 0	4 0 0	Do	....	.....	....	1 0 30	4 15 0	
	Do	Do	4 0	4 0 0	Do	....	.....	....	0 3 30	3 15 0	
	Do	Do	4 0	4 0 0	Job Beardman	....	.....	....	4 1 2	17 1 0	
	Do	Do				4 0 0	.....	....	2 1 20		
	Do	Do				4 0 0	.....	....	2 1 20		
	Do	Do				4 0 0	.....	....	2 1 0		
	Do	Do				4 0 0	.....	....	2 1 34		
	Do	Do				4 0 0	.....	....	2 2 0	102 10 0	
Aug. 15	Cooma	Cooma	3 0	41 0 0	Joseph Peters	....	.....	....	1 1 0	12 10 0	
	Do	Do	4 0	10 0 0	Joseph Ward, senior	....	.....	....	....	46 0 0	
Aug. 16	Wingham	Manning River	1 0	1 0 0	Patrick Connolly	....	.....	46 0 0	....	46 0 0	
	Do	Do	1 0	1 0 0	George Easton	....	.....	98 0 0	....	98 0 0	
	Do	Do				1 0 0	.....	42 1 0	....	42 1 0	
	Do	Do				1 0 0	.....	43 0 0	....	43 0 0	
	Do	Do	2 10	2 10 0	Alexander M'Millan	....	.....	....	5 1 27	18 11 0	
	Do	Do				2 10 0	.....	....	5 0 15		
	Do	Do				2 10 0	.....	....	5 3 33		
	Do	Do				2 10 0	.....	....	6 3 36		
	Do	Do				2 10 0	.....	....	7 3 11		
	Do	Do				2 10 0	.....	....	1 0 16		
	Do	Do				2 10 0	.....	....	1 0 16		
	Do	Do				2 10 0	.....	....	1 0 16		
	Do	Do				2 10 0	.....	....	1 0 16		
	Do	Do				2 10 0	.....	....	1 0 16		
	Do	Do				2 10 0	.....	....	2 2 0		
	Do	Do				2 10 0	.....	....	2 2 0		
	Do	Do				2 10 0	.....	....	2 2 0		
	Do	Do				2 10 0	.....	....	12 0 0		
	Do	Do				2 10 0	.....	....	13 0 0		
	Do	Do				2 10 0	.....	....	10 2 0		
Aug. 19	Armidale	Armidale	1 0	1 0 0	Garrett Farrell	....	.....	46 0 0	....	48 0 0	
	Do	Do	1 0	1 0 0	James Reeves	....	.....	48 0 0	....	35 0 0	
	Do	Do	1 0	1 0 0	James Ryder	....	.....	32 0 0	....	32 0 0	
	Do	Do	1 0	1 0 0	John Mitchell	....	.....	25 3 0	....	25 15 0	
	Do	Do	1 0	1 0 0	Do	....	.....	34 0 0	....	34 0 0	
	Do	Do				1 0 0	.....	35 0 0	....	35 0 0	
	Do	Do				1 0 0	.....	71 0 0	....	71 0 0	
	Do	Do	1 0	1 0 0	John Mitchell	....	.....	35 0 0	....	35 0 0	
	Do	Do	1 0	1 0 0	Samuel Dudman	....	.....	37 0 0	....	37 0 0	
	Do	Do	1 0	1 0 0	John Mitchell	....	.....	43 0 0	....	43 0 0	
	Do	Do	1 0	1 0 0	Geo., Jno., & Edw. Everott	....	.....	42 0 0	....	42 0 0	
	Do	Do	1 0	1 0 0	Garrett Farrell	....	.....	48 3 0	....	48 15 0	
	Do	Do				1 0 0	.....	39 0 0	....	39 0 0	
	Do	Do				1 0 0	.....	42 0 0	....	42 0 0	
	Do	Do				1 0 0	.....	42 0 0	....	42 0 0	
	Do	Do	1 0	1 0 0	C. Blaxland & T. Cooper	....	.....	22 0 0	....	22 0 0	
	Do	Do	1 0	1 0 0	Edward George Clerk	....	.....	31 0 0	....	31 0 0	
	Do	Do	1 0	1 0 0	Do	....	.....	26 3 39	....	27 0 0	
	Do	Do	1 0	1 0 0	Do	....	.....	22 0 20	....	22 2 6	
	Do	Do	1 0	1 0 0	Do	....	.....	30 0 0	....	30 0 0	
	Do	Do	1 0	1 0 0	Do	....	.....	27 0 0	....	27 0 0	
	Do	Do	1 0	1 0 0	Do	....	.....	24 3 0	....	24 15 0	
	Do	Do	1 0	1 0 0	Do	....	.....	24 0 0	....	24 0 0	
	Do	Do				1 0 0	.....	24 0 0	....	24 0 0	
	Do	Do				1 0 0	.....	22 2 0	....	22 2 0	
	Do	Do				1 0 0	.....	33 0 0	....	33 0 0	
	Do	Do	1 0	1 0 0	Henry Turner	....	.....	56 0 0	....	56 0 0	
	Do	Do				1 0 0	.....	47 1 0	....	47 1 0	
	Do	Do	1 0	1 0 0	George Bruhn	....	.....	30 2 0	....	30 10 0	
	Do	Do	1 0	1 0 0	Henry Archd. Duncomb	....	.....	19 3 4	....	20 15 4	
	Do	Do	1 0	1 0 0	Thomas Berryman	....	.....	21 0 0	....	21 0 0	
	Do	Do	1 0	1 0 0	Do	....	.....	22 0 0	....	22 0 0	
	Do	Do	5 0	5 0 0	R. H. M. Forster	....	.....	....	4 0 0	20 0 0	
	Do	Do	5 0	5 0 0	T. J. Oliver	4 0 0	20 0 0	
	Do	Do	5 0	5 0 0	R. H. M. Forster	4 0 0	25 4 0	
	Do	Do				2 10 0	12 0 0		
	Do	Do				2 10 0	15 0 0		

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Date.	Place.						Country.	Suburban.		
1861.										
Aug. 19	Armidale	Armidale	£ s. d.	£ s. d.		£ s. d.	a. r. p.	a. r. p.	£ s. d.	£ s. d.
	Do	Do	5 0	5 0 0	Alfred Oliver	.....	.....	5 2 24	28 5 0	
	Do	Do	5 0	5 0 0	Do	.....	.....	6 0 0	37 16 0	
	Do	Do	2 10	2 10 0	W. A. Hungerford	.....	.....	8 0 5		
	Do	Do	5 0	5 0 0	W. A. Hungerford	.....	.....	15 0 0		
	Do	Do	5 0	5 0 0	Do	.....	.....	12 0 16	30 2 9	
	Do	Do	5 0	5 0 0	Do	.....	.....	11 0 0		
	Do	Do	5 0	5 0 0	Do	.....	.....	7 0 0	36 8 0	
	Do	Do	5 0	5 0 0	Do	.....	.....	7 0 0	35 0 0	
	Do	Do	5 0	5 0 0	Do	.....	.....	7 0 0		6 6 0
	Do	Do	5 0	5 0 0	Do	.....	.....	10 0 0		
	Do	Do	5 0	5 0 0	Do	.....	.....	11 0 0		
	Eden	Eden	3 0	7 10 0	Jeremiah Deniehy	.....	.....	2 0 20		
	Do	Do	3 0	16 11 3	Rachael Joseph	.....	.....	2 2 0	7 10 0	
	Do	Do	3 0	16 11 3	Daniel Egan	.....	.....	2 2 0	16 11 3	
Aug. 22	Sydney	Sydney	20 0	26 0 0	Do	.....	.....	0 1 19	9 11 9	
	Do	Do	20 0	20 0 0	Do	.....	.....	0 2 6	10 16 0	
Aug. 23	Tembarumba	Albury	1 0	1 0 0	Michael M'Glynn	.....	.....	20 2 10	20 15 0	
	Do	Do	1 0	1 0 0	Do	.....	.....	24 0 0		
	Do	Do	1 0	1 0 0	Do	.....	.....	37 0 16		
	Do	Do	1 0	1 0 0	Do	.....	.....	25 1 17		
	Do	Do	1 0	1 0 0	Do	.....	.....	24 0 0		
	Do	Do	1 0	1 0 0	Do	.....	.....	24 0 0		
	Do	Do	1 0	1 0 0	Do	.....	.....	27 1 14		
	Do	Do	1 0	1 0 0	Do	.....	.....	17 0 0		
	Do	Do	1 0	1 0 0	Do	.....	.....	17 0 0		
	Do	Do	1 0	1 0 0	Do	.....	.....	17 0 0	17 0 0	
	Do	Do	1 0	1 0 0	Do	.....	.....	17 0 0	17 0 0	
	Do	Do	1 0	1 0 0	Do	.....	.....	23 0 0		
	Do	Do	1 0	1 0 0	Do	.....	.....	23 0 0		
	Do	Do	1 0	1 0 0	Do	.....	.....	23 0 0		
	Do	Do	1 0	1 0 0	Do	.....	.....	23 0 0		
	Do	Do	1 0	1 0 0	Do	.....	.....	24 0 0	24 0 0	
	Do	Do	1 0	1 0 0	Do	.....	.....	24 0 0		
	Do	Do	1 0	1 0 0	Do	.....	.....	24 0 0		
	Do	Do	1 0	1 0 0	Do	.....	.....	24 0 0		
	Do	Do	2 10	2 10 0	Michael Langford	.....	.....	5 0 0	12 10 0	
	Do	Do	2 10	2 10 0	Do	.....	.....	5 0 0	12 10 0	
	Do	Do	2 10	2 10 0	Do	.....	.....	10 0 0		
	Do	Do	2 10	2 10 0	Do	.....	.....	10 0 0		
	Do	Do	2 10	2 10 0	Do	.....	.....	10 0 14		
	Do	Do	2 10	2 10 0	Do	.....	.....	9 3 1		
	Do	Do	2 10	2 10 0	Do	.....	.....	9 1 6		
	Do	Do	2 10	2 10 0	Do	.....	.....	7 0 33		
	Do	Do	2 10	2 10 0	Do	.....	.....	9 1 39		
	Do	Do	2 0	2 0 0	Do	.....	.....	18 3 24		
	Do	Do	2 10	2 10 0	Do	.....	.....	8 0 32		
	Do	Do	2 10	2 10 0	Do	.....	.....	8 1 10		
	Do	Do	3 0	3 0 0	Do	.....	.....	4 2 6		
	Do	Do	3 0	3 0 0	Do	.....	.....	4 0 25		
	Do	Do	2 10	2 10 0	Do	.....	.....	8 0 0		
	Do	Do	2 10	2 10 0	Do	.....	.....	12 0 0		
	Do	Do	2 10	2 10 0	Do	.....	.....	12 0 0		
	Do	Do	2 10	2 10 0	Do	.....	.....	8 0 0	20 0 0	
	Do	Do	2 10	2 10 0	Do	.....	.....	8 0 0	20 0 0	
	Do	Do	2 10	2 10 0	Rosanna Byrnes	.....	.....	12 0 0	30 0 0	
	Tumut	Tumut	1 0	1 0 0	Do	.....	.....	98 0 0		
	Do	Do	1 0	1 0 0	Do	.....	.....	86 0 0		
	Do	Do	1 0	1 0 0	Do	.....	.....	67 0 0		
	Do	Do	1 0	1 0 0	Do	.....	.....	126 0 0		
	Do	Do	1 0	1 0 0	Do	.....	.....	120 0 0		
	Do	Do	1 0	1 0 0	Do	.....	.....	121 0 0		
	Do	Do	1 0	1 0 0	Do	.....	.....	120 0 0		
	Do	Do	1 0	1 0 0	Do	.....	.....	93 0 0		
	Do	Do	1 0	1 0 0	Do	.....	.....	80 0 0		
	Do	Do	1 0	1 0 0	Do	.....	.....	100 0 0		
	Do	Do	1 0	1 0 0	Do	.....	.....	70 1 0		
	Do	Do	1 0	1 0 0	Do	.....	.....	53 0 0		
	Do	Do	1 0	1 0 0	Do	.....	.....	72 0 0		
	Do	Do	1 0	1 0 0	Do	.....	.....	79 0 0		
	Do	Do	1 0	1 0 0	Do	.....	.....	35 1 0		
	Do	Do	1 0	1 0 0	Do	.....	.....	75 0 0		
	Do	Do	1 0	1 0 0	Do	.....	.....	43 3 0		
	Do	Do	1 0	1 0 0	Do	.....	.....	106 0 0		
	Do	Do	1 0	1 0 0	Do	.....	.....	101 0 0		
	Do	Do	1 0	1 0 0	Do	.....	.....	52 1 0		
	Do	Do	1 0	1 0 0	Do	.....	.....	75 0 0		
	Do	Do	1 0	1 0 0	Do	.....	.....	60 3 0		
	Do	Do	1 0	1 0 0	Do	.....	.....	145 0 0		
	Do	Do	1 0	1 0 0	Do	.....	.....	76 0 0		
	Do	Do	1 0	1 0 0	Do	.....	.....	97 2 0		
	Do	Do	1 0	1 0 0	Do	.....	.....	100 0 0		
	Do	Do	1 0	1 0 0	Do	113 1 0		
	Do	Do	1 0	1 0 0	Do	117 0 0		
	Do	Do	1 0	1 0 0	Do	74 0 0		
	Do	Do	1 0	1 0 0	Do	106 0 0		

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Date.	Place.							Country.	Suburban.		
1861.											
Aug. 23	Tumut	Tumut	£ s.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
	Do	Do	1 0	1 0 0	Charles Miller	1 0 0	143 0 0			
	Do	Do	1 0	1 0 0	John Ingram	1 0 0	.....	69 2 0			
	Do	Do	1 0	1 0 0	Sir James Matheson	1 0 0	.....	89 0 0			
	Do	Do	1 0	1 0 0		1 0 0	.....	60 0 0			
	Do	Do	1 0	1 0 0		1 0 0	.....	64 0 0			
	Do	Do	1 0	1 0 0		1 0 0	.....	57 0 0			
	Do	Do	1 0	1 0 0		1 0 0	.....	64 0 0			
	Do	Do	1 0	1 0 0		1 0 0	.....	88 3 0			
	Do	Do	1 0	1 0 0		1 0 0	.....	42 0 0			
	Do	Do	1 0	1 0 0		1 0 0	.....	59 0 0			
	Do	Do	1 0	1 0 0		1 0 0	.....	85 0 0			
Aug. 26	Bombala	Bombala	1 0	1 0 0	Charles Miller	.....	.....	38 0 0	.....	38 0 0	
	Do	Do	1 0	1 0 0	John Ingram	.....	.....	62 0 0	.....	62 0 0	
	Do	Do	1 0	1 7 0	Sir James Matheson	.....	.....	45 3 0	.....	61 15 3	
	Do	Do	3 0	3 0 0	Sophia Jane Hill	.....	.....	7 2 0	.....	13 9 8	
	Do	Do	2 10	2 10 0	August Zoelner	.....	.....	4 1 39	.....	12 12 10	
	Do	Do	2 10	2 10 0	Do	.....	.....	5 0 9	.....	13 4 1	
	Do	Do	4 0	4 0 0	Roderick M'Donald	.....	.....	5 1 5	.....	
	Do	Do	4 0	4 0 0		.....	.....	5 0 9	.....	
	Do	Do	4 0	4 0 0	Vincent Kanflein	.....	.....		1 2 19	6 9 6	
	Do	Do	4 0	4 0 0	Do	.....	.....		1 0 22		
	Do	Do	4 0	4 0 0		.....	.....		0 3 18		
	Do	Do	3 0	3 0 0	Do	.....	.....		1 3 2	7 1 0	
	Do	Do	3 0	3 0 0	Do	.....	.....		3 3 13	11 9 11	
	Do	Do	3 0	3 0 0		.....	.....		2 2 0		
	Do	Do	3 0	3 0 0		.....	.....		2 2 7		
	Do	Do	3 0	3 0 0	Thomas Hayes	.....	.....		2 2 7		
	Do	Do	3 0	3 0 0		.....	.....		2 2 0	7 10 0	
	Do	Do	3 0	3 0 0		.....	.....		2 2 0		
	Do	Do	3 0	3 0 0		.....	.....		2 2 0		
	Do	Do	3 0	3 0 0		.....	.....		4 3 36		
	Do	Do	3 0	3 2 0	Henry Clement Hogarth	.....	.....		4 0 30		
	Do	Do	4 0	6 0 0	Do	.....	.....		2 3 38	9 5 3	
	Do	Do	3 0	3 0 0	George Kellond	.....	.....		1 3 33	11 14 9	
	Do	Do	3 0	3 0 0	Do	.....	.....		2 3 36	8 18 6	
	Do	Do	3 0	3 0 0	Do	.....	.....		4 3 1	14 5 5	
	Do	Do	2 10	2 10 0	Robert Millar	.....	.....		4 3 3		
	Do	Do	2 10	2 10 0		.....	.....		5 1 24	13 10 0	
	Do	Do	2 10	2 10 0		.....	.....		5 1 24		
	Do	Do	4 0	4 0 0		.....	.....		5 1 24		
	Do	Do	3 0	3 0 0	Simon Goetz	.....	.....		1 3 17		
	Do	Do	3 0	4 0 0	Henry Kesterton	.....	.....		3 3 4	11 6 6	
	Do	Do	4 0	4 0 0		.....	.....		4 2 0	18 0 0	
	Do	Do	3 0	3 0 0		.....	.....		1 1 23		
	Do	Do	3 0	3 0 0		.....	.....		2 3 9		
	Do	Do	3 0	3 0 0		.....	.....		2 2 7		
	Do	Do	4 0	8 10 0	John Beileiter	.....	George Beileiter		2 1 12		0 14 0
	Do	Do	4 0	5 5 0	Frederick Helmers	.....	G. Summerhill		1 0 0	8 10 0	
	Do	Do	4 0	5 18 0	Do	.....	.....		1 0 0	5 5 0	0 15 0
	Do	Do	4 0	5 18 0	Charles Henry Baddeley	.....	.....		1 0 0	5 18 0	
	Do	Do	3 0	3 0 0	Do	.....	.....		1 2 1	8 17 9	
	Do	Do	4 0	4 0 0		.....	.....		2 1 6	6 17 3	
	Do	Do	4 0	4 0 0		.....	G. Summerhill		1 3 13		0 14 8
	Do	Do	4 0	4 0 0	Roderick M'Donald	.....	.....		1 1 39		
	Do	Do	3 0	3 0 0	Patrick Cleary	.....	.....		1 3 3	7 1 6	
	Do	Do	3 0	3 0 0		.....	.....		3 3 2	11 5 9	
	Do	Do	3 0	3 0 0		.....	.....		4 1 22		
	Do	Do	3 0	3 0 0		.....	.....		4 2 3		
	Do	Do	3 0	3 0 0		.....	.....		4 3 20		
	Do	Do	2 10	2 10 0		.....	.....		5 0 20		
	Do	Do	3 0	3 0 0		.....	J. E. Leonard		5 0 19		
	Do	Do	3 0	3 0 0		.....	.....		2 2 23		0 16 2
	Do	Do	3 0	3 0 0		.....	.....		3 1 20		
	Do	Do	3 0	3 0 0		.....	.....		3 1 5		
	Do	Do	3 0	3 0 0		.....	.....		2 2 14		
	Mudgec	Mudgec	1 0	1 0 0	Benjamin Gawthorne	.....	.....	20 2 0	.....	20 10 0	
	Do	Do	1 0	1 0 0	Nicholas Paget Bayly	.....	.....	51 0 0	.....	51 0 0	
	Do	Do	1 0	1 0 0	Do	.....	.....	69 0 0	.....	69 0 0	
	Do	Do	1 0	1 0 0	Do	.....	.....	79 0 0	.....	79 0 0	
	Do	Do	1 0	1 0 0	Do	.....	.....	25 2 0	.....	25 10 0	
	Do	Do	1 0	1 0 0	Do	.....	.....	29 2 0	.....	29 10 0	
	Do	Do	1 0	1 0 0	Do	.....	.....	22 1 0	.....	22 5 0	
	Do	Do	1 0	1 0 0	Do	.....	.....	30 0 0	.....	30 0 0	
	Do	Do	1 0	1 0 0	Henry Wilson Blomfield	.....	.....	36 0 0	.....	36 0 0	
	Do	Do	1 0	1 0 0	Do	.....	.....	35 0 0	.....	35 0 0	
	Do	Do	1 6	1 6 0		.....	.....	40 0 0	.....		24 0 0
	Do	Do	1 6	1 6 0		.....	.....	40 0 0	.....		24 0 0
	Do	Do	1 6	1 6 0		.....	.....	40 0 0	.....		24 0 0
	Do	Do	1 6	1 6 0		.....	.....	30 0 0	.....		18 0 0
	Do	Do	1 6	1 6 0		.....	.....	40 0 0	.....		24 0 0
	Do	Do	1 0	1 0 0	Henry Wilson Blomfield	.....	.....	20 0 0	.....	20 0 0	
	Do	Do	1 0	1 0 0	Nicholas Paget Bayly	.....	.....	30 0 0	.....	30 0 0	
	Do	Do	1 0	1 0 0	Henry Wilson Blomfield	40 0 0	40 0 0	
	Do	Do	1 0	1 0 0	Do	63 0 0	63 0 0	
	Do	Do	1 0	1 0 0	Do	41 0 0	41 0 0	

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Date.	Place.							Country.	Suburban.		
1861.											
Aug. 26	Mudgee	Mudgee	£. s. d.	£. s. d.		£. s. d.		a. r. p.	a. r. p.	£. s. d.	£. s. d.
	Do	Do	1 0	1 0 0	Henry Wilson Blomfield.	29 2 0	.....	29 10 0			
	Do	Do	1 0	1 0 0	Thomas Jamnon Hawkins	26 0 1	.....	26 0 2			
	Do	Do	1 0	1 0 0	Myles Harte Lyons	34 0 0	.....	34 0 0			
	Do	Do	1 0	1 0 0	Do	24 0 0	.....	24 0 0			
	Do	Do	1 0	1 0 0	William Coleman	39 0 0	.....	39 0 0			
	Do	Do	1 0	1 0 0	Do	23 3 0	.....	23 15 0			
	Do	Do	1 0	1 0 0	John Douglas	20 0 0	.....	20 0 0			
	Do	Do	1 0	1 0 0	William Ritchie	81 1 0	.....	81 5 0			
	Do	Do	1 0	1 0 0	Edward Cover	20 3 24	.....	20 18 0			
	Do	Do	1 0	1 0 0	Do	30 0 0	.....	30 0 0			
	Do	Do			Do	28 1 0	.....			
	Do	Do			Do	44 0 0	.....			
	Do	Do			Do	1 0 0	.....			
	Do	Do			Do	22 2 0	.....			
	Do	Do			Do	24 1 0	.....			
	Do	Do			Do	37 0 0	.....			
	Do	Do			Do	45 0 0	.....			
	Do	Do	1 0	1 0 0	John Alexander H. Price.	48 3 0	.....	48 15 0			
	Do	Do	1 0	1 0 0	John Albert Knox	32 0 0	.....	32 0 0			
	Do	Do			Do	20 0 0	Evans Richards.				2 0 0
	Do	Do			Do	20 0 0	Do.				2 0 0
Aug. 27	Bombala	Bombala	4 0	4 0 0	Solomon & Henry Solomon	.....	.....	1 3 32		7 16 0	
Aug. 31	Wagga Wagga	Wagga Wagga	1 0	1 0 0	John Peter	.....	.....	106 0 0		106 0 0	
	Do	Do	1 0	1 0 0	Do	.....	.....	80 0 0		80 0 0	
	Do	Do	1 0	1 0 0	Do	.....	.....	68 0 0		68 0 0	
	Do	Do			Do	1 0 0	.....	48 2 0			
	Do	Do			Do	1 0 0	.....	32 3 0			
	Do	Do	1 0	1 0 0	John Peter	.....	.....	64 0 0		64 0 0	
	Do	Do	1 0	1 0 0	Do	.....	.....	67 0 0		67 0 0	
	Do	Do			Do	1 0 0	.....	81 2 0			
	Do	Do			Do	1 0 0	.....	112 2 0			
	Do	Do			Do	1 0 0	.....	122 1 0			
	Do	Do			Do	1 0 0	.....	86 0 0			
	Do	Do	1 0	1 0 0	Elizabeth Vincent	.....	.....	92 3 0		92 15 0	
	Do	Do	1 0	1 0 0	Do	.....	.....	73 0 0		73 0 0	
	Do	Do	1 0	1 0 0	Do	.....	.....	97 0 0		97 0 0	
	Do	Do			Do	1 0 0	.....	79 2 0			
	Do	Do			Do	1 0 0	.....	35 3 0			
	Wentworth	Balranald			Do	4 0 0	.....		1 2 12		
	Do	Do			Do	4 0 0	.....		1 2 32		
	Do	Do			Do	4 0 0	.....		1 3 11		
	Do	Do			Do	4 0 0	.....		1 3 30		
Sept. 2	Bathurst	Bathurst			Do	1 0 0	.....	30 2 0			
	Do	Do			Do	1 0 0	.....	40 0 0			
	Do	Do			Do	1 0 0	.....	40 2 0			
	Do	Do			Do	1 0 0	.....	40 1 0			
	Do	Do			Do	1 0 0	.....	40 3 0			
	Do	Do			Do	1 0 0	.....	41 0 0			
	Do	Do			Do	1 0 0	.....	40 2 0			
	Do	Do			Do	1 0 0	.....	41 0 0			
	Do	Do			Do	1 0 0	.....	40 2 0			
	Do	Do			Do	1 0 0	.....	40 0 0			
	Do	Do			Do	1 0 0	.....	40 2 0			
	Do	Do			Do	1 0 0	.....	40 2 0			
	Do	Do			Do	1 0 0	.....	40 1 0			
	Do	Do			Do	1 0 0	.....	40 3 0			
	Do	Do			Do	1 0 0	.....	41 0 0			
	Do	Do			Do	1 0 0	.....	40 2 0			
	Do	Do			Do	1 0 0	.....	44 3 0			
	Do	Do			Do	1 0 0	.....	41 3 0			
	Do	Do	1 0	1 0 0	Richard Collier	.....	.....	42 1 0		42 5 0	
	Do	Do	1 0	1 0 0	Do	.....	.....	41 3 0		41 15 0	
	Do	Do	1 0	2 0 0	Do	.....	.....	42 0 0		84 0 0	
	Do	Do	1 0	1 13 0	Do	.....	.....	42 2 0		70 2 6	
	Do	Do			Do	1 0 0	.....	42 0 0			
	Do	Do			Do	1 0 0	.....	44 3 0			
	Do	Do			Do	1 0 0	.....	41 0 0			
	Do	Do			Do	1 0 0	.....	41 1 0			
	Do	Do			Do	1 0 0	.....	41 1 0			
	Do	Do			Do	1 0 0	.....	45 1 0			
	Do	Do			Do	1 0 0	.....	46 1 0			
	Do	Do			Do	1 0 0	.....	47 1 0			
	Do	Do			Do	1 0 0	.....	46 1 0			
	Do	Do			Do	1 0 0	.....	48 2 0			
	Do	Do			Do	1 0 0	.....	49 2 0			
	Do	Do			Do	1 0 0	.....	48 1 0			
	Do	Do			Do	1 0 0	.....	47 1 0			
	Do	Do			Do	1 0 0	.....	50 2 0			
	Do	Do	1 0	1 0 0	Richard Collier	.....	.....	49 2 0		49 10 0	
	Do	Do			Do	1 0 0	.....	41 0 0			
	Do	Do			Do	1 0 0	.....	40 0 0			
	Do	Do			Do	1 0 0	.....	41 0 0			
	Do	Do			Do	1 0 0	.....	42 0 0			
	Do	Do			Do	1 0 0	.....	40 0 0			
	Do	Do			Do	1 0 0	.....	43 1 0			

CROWN LANDS.

Date and Place at which the Auction was held.		District in which the Lands were situated.	Upset price per acre of Land sold.	Prices per acre realized in each case.	Names of Purchasers.	Names of Bidders.	Description of Land.		Amount realized.	Deposit forfeited.
Date.	Place.						Country.	Suburban.		
			£ s.	£ s. d.			a. r. p.	a. r. p.	£ s. d.	£ s. d.
1861.										
Sept. 16	Bathurst	Bathurst								
	Do	Do								
	Do	Do								
	Do	Do								
	Do	Do								
Sept. 19	Windeyer	Mudgee	1 0	1 0 0	James Bernard Daly	.....	22 1 0	.....	22 5 0	
	Do	Do						1 1 29		
	Do	Do						1 0 0		
Sept. 21	Boorowa	Binalong					22 3 0			
	Do	Do					26 2 0			
	Do	Do					25 0 0			
	Do	Do					23 3 0			
	Do	Do					22 3 0			
	Do	Do	1 0	1 10 0	Samson Cade	.....	17 2 0	.....	26 5 0	
	Do	Do	1 0	1 10 0	William Stewart Mackay	.....	16 3 0	.....	25 2 6	
	Do	Do	1 0	1 0 0	Do	.....	20 1 0	.....	20 5 0	
	Do	Do					21 1 0			
	Do	Do					50 3 0			
	Do	Do					35 3 0			
	Do	Do	1 0	1 0 0	Allen Hancock	.....	34 3 0	.....	34 15 0	
	Do	Do	1 0	1 0 0	Richard Clay	.....	26 2 0	.....	25 10 0	
	Do	Do					24 3 0			
	Do	Do	1 0	1 0 0	Stephen Williams	.....	27 0 0	.....	27 0 0	
	Do	Do	1 0	1 0 0	John Hurley	.....	27 2 0	.....	27 10 0	
	Do	Do	1 0	3 10 0	Allen Hancock	.....	19 2 0	.....	68 5 0	
	Do	Do	1 0	1 0 0	James & Joseph S. Hayes	.....	26 2 0	.....	26 10 0	
	Do	Do	1 0	1 0 0	Michael Farrell	.....	48 0 0	.....	48 0 0	
	Do	Do					33 3 0			
	Do	Do					41 0 0			
	Do	Do					47 1 0			
	Do	Do					59 1 0			
	Do	Do	1 0	1 0 0	Michael Costello	.....	42 0 0	.....	42 0 0	
	Do	Do	1 0	1 0 0	John Nagol Ryan	.....	29 1 0	.....	29 5 0	
	Do	Do					57 2 0			
	Do	Do					35 0 0			
	Do	Do				J. D. Macansh..		1 0 0		1 16 0
	Do	Do	4 0	4 0 0	John Ryan	.....	.....	1 0 0	4 0 0	
	Do	Do	4 0	4 0 0	Do	.....	.....	1 0 0	4 0 0	
	Do	Do	4 0	4 0 0	Do	.....	.....	1 0 0	4 0 0	
	Hartley	Hartley	1 0	1 0 0	Thomas Stillwell	.....	30 1 0	.....	30 5 0	
	Do	Do	1 0	1 0 0	John M'Donald	.....	49 2 0	.....	49 10 0	
	Do	Do	1 0	1 0 0	Thomas Cleary	.....	33 0 0	.....	33 0 0	
	Do	Do					30 2 0			
	Do	Do					37 0 0			
	Do	Do	1 0	1 0 0	John Mahoney	.....	30 0 0	.....	30 0 0	
	Do	Do					31 0 0			
	Do	Do					30 2 0			
	Do	Do					33 1 0			
	Do	Do	1 0	1 0 0	Michael Murray	.....	30 0 0	.....	30 0 0	
	Do	Do					23 0 16			
	Do	Do	1 0	1 0 0	John Hogan	.....	32 1 0	.....	32 5 0	
	Do	Do	1 0	1 0 0	Do	.....	50 0 0	.....	50 0 0	
	Do	Do	1 0	1 0 0	Michael Clayton	.....	30 0 0	.....	30 0 0	
	Do	Do	1 0	2 1 0	Henry Hogan	.....	33 0 0	.....	67 13 0	
	Do	Do					40 0 0			
	Do	Do	1 0	1 0 0	Bernard M'Cauley	.....	33 2 0	.....	33 10 0	
	Do	Do					2 10 0			
	Do	Do					2 10 0			
	Do	Do					2 10 0			
	Do	Do					3 0 0			
	Do	Do					3 0 0			
	Do	Do					3 0 0			
	Do	Do					3 0 0			
	Tamut	Tamut					266 2 0			
	Do	Do					81 1 0			
	Do	Do					83 0 0			
	Do	Do					83 0 0			
	Do	Do					41 2 0			
	Do	Do					41 2 0			
	Do	Do					43 0 0			
	Do	Do					109 2 0			
	Do	Do					124 2 0			
	Do	Do					152 3 0			
	Do	Do					80 0 0			
	Do	Do					49 1 0			
	Do	Do					45 1 0			
	Do	Do					97 0 0			
	Do	Do					41 2 0			
	Do	Do	1 0	1 0 0	Patrick Geary	.....	48 1 0	.....	43 5 0	
	Do	Do					47 1 0			
	Do	Do					51 2 0			
	Do	Do					41 1 0			
	Do	Do					66 0 0			
	Do	Do	1 0	1 12 0	Martin Tucky	.....	66 1 0	.....	106 0 0	
	Do	Do					41 1 0			

CROWN LANDS.

Date and Place at which the Auction was held.		District in which the Lands were situated.	Upset price per acre of Land sold.	Prices per acre realized in each case.	Names of Purchasers.	Names of Bidders.	Description of Land.		Amount realized.	Deposit forfeited.
Date.	Place.						Country.	Suburban.		
1861.			£ s.	£ s. d.		£ s. d.	a. r. p.	a. r. p.	£ s. d.	£ s. d.
Sept. 21	Tumut	Tumut								
	Do	Do					66 0 0			
	Do	Do	1 0	1 0 0	Niel Rankin	.....	177 3 0		41 5 0	
	Do	Do					41 1 0			
	Do	Do					41 1 0			
	Do	Do					47 2 0			
	Do	Do					45 0 0			
	Do	Do					161 0 0			
	Do	Do					76 0 0			
	Do	Do					125 2 0			
	Do	Do					181 0 0			
	Do	Do					81 1 0			
	Do	Do					58 0 0			
	Do	Do					64 0 0			
	Do	Do					58 0 0			
	Do	Do					90 0 0			
	Do	Do					51 0 0			
	Do	Do					54 0 0			
	Do	Do					52 1 0			
	Do	Do					42 3 0			
	Do	Do	1 0	1 0 0	Angus Rankin	.....	37 0 0		37 0 0	
	Do	Do	1 0	1 0 0	Ebenezer Disam. Body	.....	58 0 0		58 0 0	
	Do	Do	1 0	1 0 0	Do	.....	60 0 0		60 0 0	
	Do	Do	1 0	1 0 0	Do	.....	47 0 0		47 0 0	
Sept. 24	Molong	Molong					98 0 0			
	Do	Do					62 2 0			
	Do	Do	1 0	1 0 0	John Smith	.....	69 0 0		69 0 0	
	Do	Do	1 0	1 0 0	Do	.....	65 0 0		65 0 0	
	Do	Do	1 0	1 0 0	Do	.....	47 0 0		47 0 0	
	Do	Do	1 0	1 0 0	Do	.....	42 0 0		42 0 0	
	Wee Waa	Wee Waa					30 0 0			
	Do	Do					32 0 0			
	Do	Do	1 0	1 0 0	Thomas G. G. Dangar	.....	52 0 0		52 0 0	
	Do	Do	1 0	1 0 0	Patrick Quinn	.....	49 0 0		49 0 0	
	Do	Do	1 0	1 0 0	T. G. G. Dangar	.....	54 0 0		54 0 0	
	Do	Do					80 0 0			
	Do	Do					58 0 0			
	Do	Do					35 0 0			
	Do	Do					5 0 0			
	Do	Do					4 1 26			
	Do	Do					20 0 0			
	Do	Do					21 0 0			
	Do	Do	1 0	1 0 0	Patrick Quinn	.....	24 0 0		24 0 0	
	Do	Do					17 3 24			
	Do	Do					14 3 0			
	Do	Do					15 0 17			
	Do	Do					21 0 0			
	Do	Do					17 0 0			
	Do	Do					15 2 0			
	Do	Do					20 0 0			
	Do	Do					14 0 0			
	Do	Do					14 0 20			
	Do	Do					14 3 20			
	Do	Do					15 0 20			
	Do	Do					11 0 0			
	Do	Do					8 3 36			
	Do	Do					10 1 25			
	Do	Do	1 5	1 5 0	Patrick Quinn	.....	18 0 33		22 15 2	
	Do	Do	1 5	1 5 0	Do	.....	15 0 0		18 15 0	
	Do	Do	1 5	1 5 0	Do	.....	17 1 3		21 11 0	
	Do	Do	1 5	1 5 0	Do	.....	20 3 20		26 1 11	
	Do	Do	4 0	4 0 0	Do	.....	.....	2 0 30	8 15 0	
	Do	Do	3 0	3 0 0	Do	.....	.....	4 1 24	13 4 0	
	Do	Do					.....	5 0 0		
	Do	Do					.....	5 0 0		
	Do	Do					.....	6 2 0		
	Do	Do					.....	5 0 0		
	Do	Do					.....	5 0 0		
	Do	Do					.....	5 0 0		
Oct. 1	Bathurst	Bathurst	1 0	1 0 0			40 2 0			
	Do	Do					41 0 0			
	Do	Do					40 2 0			
	Do	Do					39 0 0			
	Do	Do					40 1 0			
	Do	Do					40 3 0			
	Do	Do					40 1 0			
	Do	Do					98 3 0			
	Do	Do					46 3 0			
	Do	Do					38 3 0			
	Do	Do					40 0 0			
	Do	Do					41 0 0			
	Do	Do					41 0 0			
	Do	Do					40 0 0			

CROWN LANDS.

Date and Place at which the Auction was held.		District in which the Lands were situated.	Upset price per acre of Land sold.	Prices per acre realized in each case.	Names of Purchasers.	Names of Bidders.	Description of Land.		Amount realized.	Deposit forfeited.
Date.	Place.						Country.	Suburban.		
1861.										
Oct. 1	Bathurst	Bathurst	£ s.	£ s. d.			a. r. p.	a. r. p.	£ s. d.	£ s. d.
	Do	Do					41 0 0			
	Do	Do					41 2 0			
	Do	Do					41 0 0			
	Do	Do					42 0 0			
	Do	Do					41 0 0			
	Do	Do					42 0 0			
	Do	Do					41 0 0			
	Do	Do					40 1 0			
	Do	Do					41 1 0			
	Do	Do					40 2 0			
	Do	Do					41 1 0			
	Do	Do					40 1 0			
	Do	Do					41 0 0			
	Do	Do					40 2 0			
	Do	Do					39 2 0			
	Do	Do					40 1 0			
	Do	Do					40 1 0			
	Do	Do					39 2 0			
	Do	Do					40 2 0			
	Do	Do					40 0 0			
	Do	Do					41 0 0			
	Do	Do					41 0 0			
	Do	Do					40 0 0			
	Do	Do	1 0	1 0 0	William Smith	.....	41 2 0	....	41 10 0	
	Do	Do					41 0 0			
	Do	Do					42 0 0			
	Do	Do					41 0 0			
	Do	Do					42 0 0			
	Do	Do					41 0 0			
	Murrumbidgee	Murrumbidgee	1 0	1 0 0	Denis Murphy	.....	41 0 0	.....	41 0 0	
	Do	Do	3 0	3 1 0	James Milner	.....	.....	4 3 35	15 4 0	
	Do	Do	3 0	3 0 0	Do	.....	.....	4 1 12	12 19 6	
	Do	Do	2 10	2 10 0	Do	.....	.....	5 1 25	13 11 10	
	Do	Do	2 10	2 10 0	Do	.....	.....	5 1 26	13 11 2	
	Do	Do	2 10	2 10 0	Do	.....	.....	5 3 3	14 8 6	
	Do	Do	2 10	2 10 0	Do	.....	.....	7 2 6	18 17 0	
	Do	Do	4 0	5 3 0	John Cummings	.....	.....	1 1 0	6 8 9	
	Do	Do	4 0	4 0 0	Do	.....	.....	1 1 0	5 0 0	
	Do	Do	4 0	7 0 0	Do	.....	.....	1 1 0	8 15 0	
	Do	Do	4 0	8 10 0	Do	.....	.....	1 1 0	10 12 6	
	Do	Do	3 0	4 4 0	William Lovell	.....	.....	2 3 0	11 11 0	
	Do	Do	3 0	3 5 0	Do	.....	.....	2 3 0	8 18 9	
Oct. 2	Grafton	Grafton								
	Do	Do					28 3 0			
	Do	Do					26 3 0			
	Do	Do					27 2 0			
	Do	Do					54 0 0			
	Do	Do					55 0 0			
	Do	Do					76 0 0			
	Do	Do					68 0 0			
	Do	Do					44 0 0			
	Do	Do					48 0 0			
	Do	Do					45 0 0			
	Do	Do					40 0 0			
	Do	Do					36 0 0			
	Do	Do					59 0 0			
	Do	Do					61 0 0			
	Do	Do					68 0 0			
	Do	Do					52 0 0			
	Do	Do					54 0 0			
	Do	Do					48 2 0			
	Do	Do					40 2 0			
	Do	Do					87 3 0			
	Do	Do					39 1 0			
	Do	Do					77 1 0			
	Do	Do					46 0 0			
	Do	Do					41 1 0			
	Do	Do					47 1 0			
	Do	Do					33 2 0			
	Do	Do					81 0 0			
	Do	Do					11 1 0			
	Do	Do					8 3 0			
	Sydney	Sydney	10 0	18 0 0	George William Graham	.....	.....	0 3 24	16 4 0	
	Young	Binalong	1 0	1 0 0	W. Kelly and S. Pankman	.....	.....	.....	51 0 0	
	Do	Do	1 0	1 0 0	Do	.....	.....	.....	51 0 0	
	Do	Do	1 0	1 0 0	Do	.....	.....	.....	56 0 0	
	Do	Do	1 0	1 0 0	Do	.....	.....	.....	48 0 0	
	Do	Do	1 0	1 0 0	Do	.....	.....	.....	48 0 0	
	Do	Do	1 0	1 0 0	Do	.....	.....	.....	52 0 0	
	Do	Do	1 0	1 0 0	Do	.....	.....	.....	88 0 0	
	Do	Do					89 0 0			
	Do	Do					98 0 0			
	Do	Do					99 0 0			
	Do	Do					97 0 0			

CROWN LANDS.

Date and Place at which the Auction was held.		District in which the Lands were situated.	Upset price per acre of Land sold.	Prices per acre realized in each case.	Names of Purchasers.	Upset price per acre of lots not bid for or withdrawn from sale or for which the bidder made good, or the deposit forfeited.	Names of Bidders.	Description of Land.		Amount realized.	Deposit forfeited.
Date.	Place.							Country.	Suburban.		
1861.			£ s. d.	£ s. d.				a. r. p.	a. r. p.	£ s. d.	£ s. d.
Oct. 8	St. Alban's.	McDonald River	1 0	1 0 0	Robert Ridge .. ..	.....	.....	23 3 0	.....	23 15 0	
	Do	Do	1 0	1 0 0	William Farlow, junr. ..	.....	.....	40 1 0	.....	40 5 0	
	Do	Do	1 0	1 0 0	John Thomas Gosper ..	.....	.....	17 2 0	.....	17 10 0	
	Do	Do	1 0	1 0 0	William Farlow .. ..	.....	.....	41 0 0	.....	41 0 0	
	Do	Do	1 0	1 0 0	Charles Henry Tuckerman	.....	.....	32 1 0	.....	32 5 0	
	Do	Do				1 0 0		21 0 0			
	Do	Do				1 0 0		20 2 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		48 0 0			
	Do	Do				1 0 0		26 0 0			
	Do	Do				1 0 0		41 0 0			
	Do	Do				1 0 0		30 0 0			
	Do	Do				1 0 0		28 0 0			
	Do	Do				1 0 0		23 0 0			
	Do	Do				1 0 0		28 0 0			
	Do	Do				1 0 0		32 0 0			
	Do	Do				1 0 0		41 1 0			
	Do	Do				1 0 0		42 0 0			
	Do	Do				1 0 0		41 0 0			
	Do	Do				1 0 0		41 0 0			
	Do	Do				1 0 0		42 0 0			
	Do	Do				1 0 0		68 0 0			
	Do	Do	1 0	1 0 0	John Bailey .. ..	.....	.....	20 1 0	.....	20 5 0	
	Do	Do	1 0	1 0 0	Do .. ..	.....	.....	23 2 0	.....	23 10 0	
Oct. 9	Glen Innes.	Wellinggrove				1 0 0		45 0 0			
	Do	Do				1 0 0		39 0 0			
	Do	Do				1 0 0		46 0 0			
	Do	Do				1 0 0		44 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		41 0 0			
	Do	Do				1 0 0		30 0 0			
	Do	Do				1 0 0		53 0 0			
	Do	Do				1 0 0		54 0 0			
	Do	Do				1 0 0		56 0 0			
	Do	Do				1 0 0		43 0 0			
	Do	Do				1 0 0		58 0 0			
	Do	Do				1 0 0		97 0 0			
	Do	Do				1 0 0		38 0 0			
	Do	Do				1 0 0		44 0 0			
	Do	Do				1 0 0		53 0 0			
	Do	Do				1 0 0		45 0 0			
	Do	Do				1 0 0		46 0 0			
	Do	Do				1 0 0		50 0 0			
	Do	Do				1 0 0		23 0 0			
	Do	Do				1 0 0		45 0 0			
	Do	Do				1 0 0		52 0 0			
	Do	Do				1 0 0		42 0 0			
	Do	Do				1 0 0		52 0 0			
	Do	Do				1 0 0		45 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do	1 0	1 0 0	Hugh Hutchinson ..	.....	.....	86 0 0	.....	47 0 0	
	Do	Do				1 0 0		47 0 0			
	Do	Do				1 0 0		42 0 0			
	Do	Do				1 0 0		41 0 0			
	Do	Do				1 0 0		42 0 0			
	Do	Do				1 0 0		43 0 0			
	Do	Do				1 0 0		49 0 0			
	Do	Do				1 0 0		47 0 0			
	Do	Do				1 0 0		46 0 0			
	Do	Do				1 0 0		45 0 0			
	Do	Do				1 0 0		45 0 0			
	Do	Do				1 0 0		51 0 0			
	Do	Do				1 0 0		48 0 0			
	Do	Do				1 0 0		48 0 0			
	Do	Do				1 0 0		49 1 0			
	Do	Do				1 0 0		55 2 0			
	Do	Do				1 0 0		43 1 0			
	Do	Do				1 0 0		43 1 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		58 0 0			
	Do	Do				1 0 0		49 0 0			
	Do	Do				1 0 0		65 0 0			
	Do	Do				1 0 0		63 0 0			
	Do	Do				1 0 0		22 0 0			
	Do	Do				1 0 0		22 0 0			
	Do	Do				1 0 0		22 0 0			
	Do	Do				1 0 0		22 0 0			
	Do	Do				2 10 0		15 0 0			
	Do	Do				2 10 0		15 0 0			
	Do	Do				2 10 0		15 0 0			
	Do	Do				2 10 0		12 3 0			

CROWN LANDS.

Date and Place at which the Auction was held.		District in which the Lands were situated.	Upset price per acre of Land sold.	Prices per acre realized in each case.	Names of Purchasers.	Largest price per acre of lots not bid for or withdrawn from sale, or for which the same amount was not made good, or the deposit forfeited.	Names of Bidders.	Description of Land.		Amount realized.	Deposit forfeited.
Date.	Place.							Country.	Suburban.		
1861.			£ s.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
Oct. 19	Tumut	Tumut									
	Do	Do						126 1 0			
	Do	Do						71 2 0			
	Do	Do						105 0 0			
	Do	Do						78 0 0			
	Do	Do						210 0 0			
	Do	Do						86 0 0			
	Do	Do						53 0 0			
	Do	Do						116 0 0			
	Do	Do						171 0 0			
	Do	Do	1 0	1 0 0	Niel Rankin	1 0 0		58 0 0		58 0 0	
	Do	Do	1 0	1 0 0	Do	1 0 0		43 0 0		43 0 0	
	Do	Do						43 0 0			
	Do	Do						41 0 0			
	Do	Do	1 0	1 0 0	Martin Tuohy	1 0 0		47 0 0		47 0 0	
	Do	Do	1 0	1 0 0	William Turnbull	1 0 0		74 0 0		74 0 0	
	Do	Do						125 0 0			
	Do	Do						80 0 0			
Oct. 22	Merriwa	Cassilis					James Lawler	90 0 0			8 0 0
	Do	Do							4 0 0	12 0 0	
	Do	Do	3 0	3 0 0	Anastasia Cronan	3 0 0			4 0 0		
	Do	Do							4 0 0		
	Do	Do							4 2 0		
	Do	Do							4 2 0		
	Do	Do							4 0 0		
Oct. 24	West Kempsey	McLeay River						47 0 0			
	Do	Do						43 0 0			
	Do	Do						88 0 0			
	Do	Do						58 0 0			
	Do	Do						135 0 0			
	Do	Do						120 0 0			
	Do	Do						154 0 0			
	Do	Do						39 0 0			
	Do	Do	1 0	1 2 0	George Bailey			10 1 0		11 5 6	
	Do	Do	8 0	8 0 0	Ann Chapman				0 0 21	1 1 0	
	Do	Do	8 0	8 0 0	Do				0 0 24	1 4 0	
	Do	Do	8 0	8 0 0	James William Wilson				0 0 28	1 8 0	
	Do	Do	8 0	8 0 0	Do				0 0 32 1/2	1 12 3	
	Do	Do							0 0 37 1/2		
	Do	Do							0 0 37 1/2		
	Do	Do							0 0 37 1/2		
	Do	Do							0 0 37 1/2		
	Do	Do							0 0 37 1/2		
	Do	Do	8 0	8 0 0	Ann Chapman				0 0 37 1/2	1 17 6	
	Do	Do							0 0 37 1/2		
	Do	Do							0 0 37 1/2		
	Do	Do							0 0 37 1/2		
	Do	Do							0 0 37 1/2		
	Do	Do							0 0 37 1/2		
	Do	Do							0 0 37 1/2		
	Do	Do							0 0 37 1/2		
	Do	Do							0 0 37 1/2		
	Do	Do							0 0 37 1/2		
Oct. 25	Bega	Eden	1 0	2 17 0	Thomas Underhill			99 0 0		282 3 0	
	Do	Do	1 0	3 2 0	Do			110 0 0		341 0 0	
	Do	Do	1 0	1 0 0	Do			119 0 0		119 0 0	
	Do	Do	1 0	1 0 0	John Jancey			181 0 0		181 0 0	
	Do	Do	1 0	2 0 0	Do			66 0 0		132 0 0	
	Do	Do	1 0	2 10 0	Do			38 0 0		102 12 0	
	Do	Do	1 0	1 12 0	Do			41 0 0		65 12 0	
	Do	Do	1 0	1 0 0	Do			49 0 0		49 0 0	
	Do	Do						194 0 0			
	Do	Do						80 0 0			
	Do	Do						80 0 0			
	Do	Do						104 0 0			
	Do	Do						84 0 0			
	Do	Do						75 0 0			
	Do	Do						67 0 0			
	Do	Do						67 0 0			
	Do	Do						161 0 0			
	Do	Do						212 0 0			
	Do	Do						258 0 0			
	Do	Do				Thomas Glynn		97 0 0		25 16 0	
	Do	Do				Peter Wood				9 14 0	
	Do	Do							1 1 0		
	Do	Do							2 2 0		
	Do	Do	4 0	4 13 0	William Leemon				1 1 0	5 16 3	
	Do	Do	2 10	11 0 0	John Dawson				5 3 1	63 6 5	
	Do	Do							2 0 34		
	Do	Do	3 0	3 0 0	Henry Kirkland				2 0 12	6 4 6	
	Do	Do	4 0	4 9 0	William Dowling				1 1 0	5 11 3	
	Do	Do	4 0	4 1 0	Henry Kirkland				1 1 0	5 1 3	
	Do	Do							1 1 0		
	Do	Do	3 0	5 1 0	James Gee				2 2 0	12 12 6	

CROWN LANDS.

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Date.	Place.							Country.	Suburban.		
1861.			£ s.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
Oct. 25	Bega	Eden				0 0 0			2 0 32		
	Do	Do				3 0 0			3 2 0		
	Do	Do				3 0 0			3 2 0		
Oct. 26	Bathurst	Bathurst	1 0	1 0 0	Patrick Ryan	1 0 0		30 0 0			
	Do	Do				1 0 0		40 0 0		40 0 0	
	Do	Do				1 0 0		35 0 0			
	Do	Do				1 0 0		30 0 0			
	Do	Do				1 0 0		30 2 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		30 0 0			
	Do	Do				1 0 0		30 0 0			
	Do	Do				1 0 0		30 0 0			
	Do	Do	1 0	1 0 0	Patrick Ryan	1 0 0		30 0 0		30 0 0	
	Do	Do				1 0 0		57 0 0			
	Do	Do	1 0	1 0 0	John Jones	1 0 0		35 0 0		36 0 0	
	Do	Do				1 0 0		37 0 0			
	Do	Do				1 0 0		32 0 0			
	Do	Do				1 0 0		24 0 0			
	Do	Do				1 0 0		28 1 14			
	Do	Do				1 0 0		34 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		38 0 0			
	Do	Do				1 0 0		28 3 0			
	Do	Do				1 0 0		38 0 0			
	Do	Do				1 0 0		41 0 0			
	Do	Do				1 0 0		39 0 0			
	Do	Do				1 0 0		42 2 0			
	Do	Do				1 0 0		43 1 0			
	Do	Do				1 0 0		46 2 0			
	Do	Do				1 0 0		45 3 0			
	Do	Do				1 0 0		47 1 0			
	Do	Do				1 0 0		48 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		41 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		41 0 0			
	Do	Do				1 0 0		37 0 0			
	Do	Do				1 0 0		39 0 0			
	Do	Do				1 0 0		40 2 0			
	Do	Do				1 0 0		40 2 0			
	Do	Do				1 0 0		40 3 0			
	Do	Do	1 0	1 0 0	Patrick Sullivan	1 0 0		40 1 0		40 5 0	
	Do	Do				1 0 0		40 0 0			
	Do	Do	1 0	1 0 0	Patrick Sullivan	1 0 0		40 0 0		40 0 0	
	Do	Do	1 0	1 0 0	Do	1 0 0		37 0 0		37 0 0	
Oct. 28	Muswellbrook	Muswellbrook				3 0 0			2 0 32		
	Do	Do	3 0	3 0 0	Donald Macintyre				2 1 17	7 1 5	
	Do	Do	3 0	3 0 0	Do				2 1 33	7 7 5	
	Do	Do	3 0	3 0 0	George Devine				2 2 14	7 15 3	
	Do	Do	3 0	3 0 0	David Ferguson				2 2 18	7 16 10	
	Do	Do	3 0	3 0 0	Do				2 2 14	7 15 3	
	Do	Do	3 0	3 0 0	Do				2 2 0	7 10 0	
	Do	Do	3 0	3 0 0	Do				2 1 12	6 19 6	
	Do	Do				4 0 0	J. P. M. Duckor		1 2 29		0 13 6
	Do	Do				4 0 0	Do		1 1 36		0 11 10
	Do	Do	4 0	4 0 0	George Nicholson				1 1 24	5 12 0	
	Do	Do	4 0	4 0 0	Do				1 0 17	4 8 6	
	Do	Do	4 0	4 0 0	Do				0 3 14	3 7 0	
	Do	Do	4 0	4 0 0	George Devine				1 0 0	4 0 0	
	Do	Do	4 0	4 0 0	Do				1 0 0	4 0 0	
	Do	Do				4 0 0			1 0 0		
	Do	Do				4 0 0			1 0 0		
	Do	Do				4 0 0			1 0 0		
	Do	Do				4 0 0			1 0 0		
	Do	Do	4 0	4 0 0	George Devine				1 2 22½	6 11 6	
	Do	Do				4 0 0			1 0 0		
	Do	Do				4 0 0			1 0 0		
	Do	Do				4 0 0			1 0 0		
	Do	Do				4 0 0	John Neill		1 0 0		0 8 0
	Do	Do	4 0	4 0 0	Henry Nowland				1 2 36	6 18 0	
	Do	Do	4 0	4 11 0	Do				1 2 11	7 2 10	
	Do	Do	4 0	4 0 0	Do				1 1 18	5 9 0	
	Do	Do	4 0	4 0 0	Do				1 3 12	7 6 0	
	Do	Do	4 0	4 0 0	Matthew Henry Hall				1 0 6	4 3 0	
	Do	Do	4 0	4 0 0	Do				1 3 39	7 19 6	
	Do	Do	3 0	3 0 0	Donald M'Intyre				2 0 0	6 0 0	
	Do	Do				3 0 0	David Cox		2 0 0		0 12 0
	Do	Do							2 0 0	6 0 0	
	Do	Do							2 0 0	6 0 0	
	Do	Do							2 0 0	6 0 0	
	Do	Do							2 0 0	6 0 0	
	Do	Do				3 0 0	David Cox		2 0 0		0 12 0
	Do	Do	3 0	3 0 0	William Tesco				2 0 0	6 0 0	

CROWN LANDS.

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Date.	Place.							Country.	Suburban.		
1861.			£ s.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
Nov. 2	Deniliquin..	Deniliquin..									
	Do ..	Do ..						6 0 0			
	Do ..	Do ..						6 0 0			
	Do ..	Do ..						6 0 0			
	Do ..	Do ..						7 2 16			
	Do ..	Do ..						7 2 16			
	Do ..	Do ..						6 0 0			
	Do ..	Do ..						6 0 0			
	Do ..	Do ..						6 0 0			
	Do ..	Do ..						16 2 32			
	Do ..	Do ..						6 0 0			
	Do ..	Do ..						6 0 0			
	Do ..	Do ..						6 0 0			
	Do ..	Do ..						7 2 16			
	Do ..	Do ..						8 2 0			
	Do ..	Do ..						13 2 0			
	Do ..	Do ..						8 2 0			
	Do ..	Do ..						9 2 23			
	Do ..	Do ..						8 2 0			
	Do ..	Do ..						5 2 36			
	Do ..	Do ..							4 2 0		
	Do ..	Do ..							3 3 22		
	Do ..	Do ..							6 2 0		
	Do ..	Do ..							6 2 0		
	Do ..	Do ..							2 2 0		
	Do ..	Do ..	3 0	3 0 0	James Willoughby ..	3 0 0				7 10 0	
	Do ..	Do ..				3 0 0	Jas. Willoughby				
	Yass ..	Yass ..	1 0	1 0 0	Michael Costolo ..			46 0 0		46 0 0	0 15 0
	Do ..	Do ..				1 0 0		41 1 0			
	Do ..	Do ..				1 0 0		30 0 0			
	Do ..	Do ..	1 0	1 0 0	John Loughnan ..			50 1 0		50 5 0	
	Do ..	Do ..	1 0	1 0 0	Do ..			50 1 0		50 5 0	
	Do ..	Do ..	1 0	1 0 0	Michael Loughnan ..			30 0 0		30 0 0	
	Do ..	Do ..	1 0	1 0 0	Michael Tully ..			27 0 0		27 0 0	
	Do ..	Do ..	1 0	1 0 0	Do ..			33 0 0		33 0 0	
	Do ..	Do ..	1 0	1 0 0	Patrick Tully ..			57 2 0		57 10 0	
	Do ..	Do ..	1 0	1 0 0	Do ..			80 0 0		30 0 0	
	Do ..	Do ..	1 0	1 0 0	Alexander Abbey ..			39 0 0		39 0 0	
	Do ..	Do ..	1 0	1 0 0	Maurice Moore ..			48 0 0		48 0 0	
	Do ..	Do ..				1 0 0		36 0 0			
	Do ..	Do ..	1 0	1 0 0	Maurice Moore ..			42 0 0		42 0 0	
	Do ..	Do ..				1 0 0		35 0 0			
	Do ..	Do ..	1 0	1 0 0	John Beven ..			29 0 0		29 0 0	
	Do ..	Do ..	1 0	1 0 0	Do ..			20 0 0		20 0 0	
	Do ..	Do ..	1 0	1 0 0	Do ..			31 0 0		31 0 0	
	Do ..	Do ..	1 0	1 0 0	Alexander Abbey ..			40 0 0		40 0 0	
	Do ..	Do ..	1 0	1 0 0	Do ..			40 2 0		40 10 0	
	Do ..	Do ..	1 0	1 0 0	Do ..			40 0 0		40 0 0	
	Do ..	Do ..				1 0 0		30 0 0			
	Do ..	Do ..				1 0 0		34 0 0			
	Do ..	Do ..	1 0	1 0 0	John Smith ..			30 0 0		30 0 0	
	Do ..	Do ..				1 0 0		30 0 0			
	Do ..	Do ..				1 0 0		42 0 0			
	Do ..	Do ..				1 0 0		30 0 0			
	Do ..	Do ..	1 0	1 0 0	John Smith ..			29 3 0		29 15 0	
	Do ..	Do ..	1 0	1 0 0	Andrew Egan ..			30 0 0		30 0 0	
	Do ..	Do ..	1 0	1 0 0	Joseph Thomas Faulder..			47 1 0		47 5 0	
	Do ..	Do ..	1 0	1 0 0	Alfred Hilder ..			73 0 0		73 0 0	
	Do ..	Do ..	1 0	1 0 0	Do ..			32 3 0		32 15 0	
	Do ..	Do ..	1 0	1 0 0	Thomas Bannan ..			36 2 0		36 10 0	
	Do ..	Do ..	1 0	1 0 0	Patrick Shannon..			51 0 0		51 0 0	
	Do ..	Do ..				17 10 0	William Adye ..	29 0 0			50 15 0
	Do ..	Do ..	2 10	2 10 0	Thomas Laidlaw..			11 0 0		27 10 0	
	Do ..	Do ..	2 10	2 10 0	Do ..			13 0 0		32 10 0	
	Do ..	Do ..	1 0	1 0 0	Do ..			27 0 0		27 0 0	
Nov. 18	Singleton ..	Patrick's Plains	1 0	2 15 0	Thomas Lindsay..			44 0 0		121 0 0	
	Do ..	Do ..	1 0	2 15 0	Do ..			67 0 0		140 14 0	
	Do ..	Do ..	1 0	3 1 0	Do ..			93 0 0		283 13 0	
	Do ..	Do ..	1 0	3 3 0	Do ..			89 0 0		280 7 0	
	Do ..	Do ..				1 0 0		85 0 0			
	Do ..	Do ..	1 0	1 0 0	George Loder ..			312 0 0		312 0 0	
	Do ..	Do ..	1 0	1 0 0	Daniel M'Nulty ..			316 0 0		316 0 0	
	Do ..	Do ..				1 0 0		60 0 0			
	Do ..	Do ..	1 0	1 0 0	Edward Pitt ..			92 0 0		92 0 0	
	Do ..	Do ..				1 0 0		48 2 0			
	Do ..	Do ..				1 0 0		114 0 0			
	Do ..	Do ..				1 0 0		70 0 0			
	Do ..	Do ..				1 0 0		58 2 0			
	Do ..	Do ..				1 0 0		58 2 0			
	Do ..	Do ..				1 0 0		58 2 0			
	Do ..	Do ..				1 0 0		58 2 0			
	Do ..	Do ..				1 0 0		58 2 0			
	Do ..	Do ..				1 0 0		88 2 0			
	Do ..	Do ..				1 0 0		312 0 0			

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Date.	Place.							Country.	Suburban.		
1861.			£ s.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
Nov. 18	Singleton ..	Patrick's Plains	1 0	1 0 0	George Loder ..	1 0 0	80 0 0	80 0 0	
	Do ..	Do ..				1 0 0		80 0 0			
	Do ..	Do ..				1 0 0		50 0 0			
	Do ..	Do ..				1 0 0		68 3 0			
	Do ..	Do ..				1 0 0		45 0 0			
	Do ..	Do ..				1 0 0		42 3 0			
	Do ..	Do ..				1 0 0		43 2 0			
	Do ..	Do ..				1 0 0		45 0 0			
	Do ..	Do ..				1 0 0		45 0 0			
	Do ..	Do ..				1 0 0		34 2 0			
	Do ..	Do ..				1 0 0		34 2 0			
	Do ..	Do ..				4 0 0			0 3 4		
	Do ..	Do ..				4 0 0			1 0 33		
	Do ..	Do ..				4 0 0			1 2 22		
	Do ..	Do ..				3 0 0			2 0 5		
	Do ..	Do ..				4 0 0			1 0 11		
	Do ..	Do ..				4 0 0			1 0 11		
	Do ..	Do ..				4 0 0			1 0 11		
	Do ..	Do ..				4 0 0			1 0 11		
	Do ..	Do ..				4 0 0			1 0 11		
	Do ..	Do ..				4 0 0			1 0 11		
	Do ..	Do ..				4 0 0			1 0 11		
	Do ..	Do ..				4 0 0			1 0 0		
	Do ..	Do ..				4 0 0			1 0 0		
	Do ..	Do ..				4 0 0			1 0 0		
	Do ..	Do ..				4 0 0			1 0 0		
	Do ..	Do ..				4 0 0			1 0 0		
	Do ..	Do ..				4 0 0			1 0 0		
	Do ..	Do ..				3 0 0			2 2 0		
	Do ..	Do ..				3 0 0			2 2 0		
	Do ..	Do ..				1 0 0			2 2 0		
Nov. 9	Dungog	Dungog				1 0 0		78 0 0			
	Do ..	Do ..				1 0 0		77 0 0			
	Do ..	Do ..				1 0 0		80 0 0			
	Do ..	Do ..				1 0 0		80 0 0			
	Do ..	Do ..				1 0 0		272 2 0			
	Do ..	Do ..				1 0 0		239 3 0			
	Do ..	Do ..				1 0 0		234 0 0			
	Do ..	Do ..				1 0 0		266 0 0			
	Do ..	Do ..				1 0 0		75 0 0			
	Do ..	Do ..				1 0 0		78 0 0			
	Do ..	Do ..				1 0 0		82 0 0			
	Do ..	Do ..				1 0 0		88 0 0			
	Do ..	Do ..	1 0	1 0 0	Benjamin Cutler..	1 0 0	.....	12 2 0	....	12 10 0	
	Do ..	Do ..				1 0 0		8 0 0			
	Do ..	Do ..				1 0 0		12 0 0			
	Do ..	Do ..	1 0	1 0 0	John M'Guinness ..	1 0 0	.....	40 0 0	....	40 0 0	
	Do ..	Do ..				1 0 0		40 0 0			
	Do ..	Do ..				3 0 0			2 1 25		
	Do ..	Do ..				3 0 0			3 0 28		
	Do ..	Do ..				3 0 0			3 2 8		
	Do ..	Do ..				3 0 0			4 2 0		
	Do ..	Do ..				3 0 0			3 2 15		
	Do ..	Do ..				2 10 0			5 0 0		
	Do ..	Do ..				3 0 0			4 0 0		
	Do ..	Do ..				2 10 0			5 2 0		
	Do ..	Do ..				2 10 0			5 0 16		
	Do ..	Do ..				2 10 0			5 0 0		
	Do ..	Do ..				4 0 0			1 3 8		
	Do ..	Do ..				3 0 0			3 1 35		
	Do ..	Do ..				3 0 0			2 3 0		
	Do ..	Do ..				3 0 0			3 2 20		
	Do ..	Do ..				4 0 0			1 1 15		
	Do ..	Do ..				3 0 0			2 2 25		
	Do ..	Do ..				3 0 0			3 3 24		
	Do ..	Do ..				3 0 0			4 1 14		
	Do ..	Do ..				3 0 0			3 0 20		
Nov. 9	Maitland ..	Maitland	3 0	5 0 0	Samuel Walters ..	.....	.....	45 0 0		15 12 6	
	Do ..	Do ..	2 0	2 0 0	Ann Price..	.....	.....	43 0 0		90 0 0	
	Do ..	Do ..	2 0	2 0 0	Do ..	.....	.....	45 0 0		86 0 0	
	Do ..	Do ..				2 0 0		61 0 0			
	Do ..	Do ..				1 0 0		48 0 0			
	Do ..	Do ..	2 0	2 0 0	Ann Price..	.....	.....	48 0 0		96 0 0	
	Do ..	Do ..	2 0	2 0 0	Do ..	.....	.....	48 0 0		96 0 0	
	Do ..	Do ..				2 0 0		48 0 0			
	Do ..	Do ..				2 0 0		48 0 0			
	Do ..	Do ..	2 0	2 0 0	John Warn Tuck..	.....	.....	67 2 0		135 0 0	
	Do ..	Do ..				2 0 0		45 0 0			
	Do ..	Do ..				2 0 0		42 0 0			
	Do ..	Do ..				2 0 0		53 0 0			
	Do ..	Do ..				2 0 0		53 2 0			
	Do ..	Do ..				2 0 0		48 2 0			
	Do ..	Do ..				2 0 0		46 0 0			
	Do ..	Do ..				2 0 0		46 0 0			
	Do ..	Do ..	2 0	2 0 0	John Warn Tuck..	46 0 0		92 0 0	
	Do ..	Do ..				2 0 0		45 0 0			

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Date.	Place.							Country.	Suburban.		
1861.											
Nov. 9	Maitland	Maitland	£ s. d.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
	Do	Do			John Nixon	2 0 0	.....	45 2 0			
	Do	Do				2 0 0		46 1 0			
	Do	Do	2 0	2 0 0		2 0 0		44 3 0			
	Do	Do			John Nixon	1 0 0	.....	45 0 0	....	90 0 0	
	Do	Do				2 0 0		45 0 0			
	Do	Do				2 0 0		44 0 0			
	Do	Do	2 0	2 0 0	John Nixon	2 0 0	.....	43 0 0			
	Do	Do				2 0 0		41 3 0	....	83 10 0	
	Do	Do				2 0 0		43 0 0			
	Do	Do	2 0	2 0 0	Ann Price	2 0 0	.....	44 1 0			
	Do	Do			John Nixon	2 0 0	.....	44 2 0	....	89 0 0	
	Do	Do	2 0	2 0 0		.....		20 0 0	....	40 0 0	
Nov. 11	Bathurst	Bathurst				1 0 0		31 2 0			
	Do	Do				1 0 0		28 2 0			
	Do	Do				1 0 0		30 0 0			
	Do	Do				1 0 0		30 0 0			
	Do	Do				1 0 0		28 0 0			
	Do	Do				1 0 0		25 0 0			
	Do	Do				1 0 0		26 2 0			
	Do	Do				1 0 0		29 1 0			
	Do	Do				1 0 0		48 0 0			
	Do	Do	1 0	1 9 0	Patrick Sullivan	.....	.....	90 0 0	....	130 10 0	
	Do	Do				1 0 0		54 0 0			
	Do	Do				1 0 0		50 0 0			
	Do	Do	1 0	1 0 0	Margaret Larnoch	.....	.....	30 0 0	....	30 0 0	
	Do	Do				1 0 0		50 0 0			
	Do	Do				1 0 0		41 0 0			
	Do	Do				1 0 0		42 0 0			
	Do	Do				1 0 0		41 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		41 0 0			
	Do	Do				1 0 0		44 0 0			
	Do	Do				1 0 0		47 0 0			
	Do	Do	1 0	1 0 0	Jacob Barnes	.....	.....	60 0 0	....	60 0 0	
	Do	Do				1 0 0		42 0 0			
	Wollombi	Wollombi	3 0	3 0 0	William Wade	.....	.....	.....	2 0 10	6 3 9	
	Do	Do	3 0	3 0 0	Do	.....	.....	.....	2 0 10	6 3 9	
	Do	Do				4 0 0		.....	1 1 0		
	Do	Do				2 10 0		.....	7 2 38		
	Do	Do				2 10 0		.....	13 0 10		
	Do	Do				2 10 0		.....	10 0 32		
	Do	Do				2 10 0		.....	16 1 0		
	Do	Do				3 0 0		.....	4 3 18		
Nov. 19	Bathurst	Bathurst	1 0	1 0 0	Philip Ryan	.....	.....	40 1 0			
	Do	Do				1 0 0		41 0 0			
	Do	Do				1 0 0		42 3 0	....	41 0 0	
	Do	Do				1 0 0		41 0 0			
	Do	Do				1 0 0		42 3 0			
	Do	Do				1 0 0		41 0 0			
	Do	Do				1 0 0		48 3 0			
	Do	Do				1 0 0		41 0 0			
	Do	Do				1 0 0		41 0 0			
	Do	Do				1 0 0		40 3 0			
	Do	Do				1 0 0		41 0 0			
	Do	Do				1 0 0		40 3 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		40 1 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		39 0 0			
	Do	Do				1 0 0		40 1 0			
	Do	Do	1 0	1 0 0	Philip Ryan	.....	.....	42 3 0	....	42 15 0	
	Do	Do	1 0	1 0 0	Do	.....	.....	40 1 0	....	40 5 0	
	Do	Do	1 0	1 0 0	Do	.....	.....	37 3 0	....	37 15 0	
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		44 2 0			
	Do	Do				1 0 0		43 2 0			
	Do	Do				1 0 0		41 0 0			
	Do	Do				1 0 0		41 2 0			
	Do	Do				1 0 0		42 0 0			
	Do	Do				1 0 0		41 2 0			
	Do	Do				1 0 0		30 0 0			
	Do	Do				1 0 0		30 1 0			
	Do	Do				1 0 0		42 1 0			
	Do	Do				1 0 0		41 1 0			
	Do	Do				1 0 0		42 1 0			
	Do	Do				1 0 0		41 1 0			
	Do	Do				1 0 0		46 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		41 0 0			

CROWN LANDS.

Date and Place at which the Auction was held.		District in which the Lands were situated.	Upset price per acre of Land sold.	Prices per acre realized in each case.	Names of Purchasers.	Upset price per acre of lots not bid for or withdrawn from sale, or for which the purchase money was not paid, or the deposit forfeited.	Names of Bidders.	Description of Land.		Amount realized.	Deposit forfeited.
Date.	Place.							Country.	Suburban.		
			£ s.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
1861.											
Nov. 19	Bathurst	Bathurst									
	Do	Do									
	Do	Do									
	Do	Do									
	Do	Do									
	Do	Do									
	Do	Do									
	Do	Do									
Nov. 20	Paterson	Paterson	1 0	2 10 0	James Halliday Magennis	....	.....	85 0 0	....	212 10 0	
	Do	Do	1 0	2 0 0	George Brooker	....	.....	56 0 0	....	112 0 0	
	Do	Do	1 0	1 7 0	James Halliday Magennis	....	.....	72 0 0	....	97 4 0	
	Do	Do				1 0 0		47 2 0			
	Do	Do				1 0 0		68 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		15 0 0			
	Do	Do				1 0 0		70 0 0			
	Do	Do	1 0	1 0 0	William Barker Boydell	....	.....	24 0 0	....	24 0 0	
	Do	Do				1 0 0		23 0 0			
	Do	Do				1 0 0		20 0 0			
	Do	Do	1 0	1 0 0	William Barker Boydell	....	.....	13 0 0	....	13 0 0	
	Do	Do				3 0 0		4 0 0			
	Do	Do				3 0 0		3 2 0			
	Do	Do				3 0 0		3 0 0			
	Do	Do				3 0 0		2 1 0			
	Do	Do	4 0	4 0 0	Robert Hancock	....	.....	1 1 24	....	5 12 0	
	Do	Do				4 0 0		1 0 33			
	Do	Do				4 0 0		1 0 33			
	Do	Do				4 0 0		1 1 3			
	Do	Do				4 0 0		1 3 10			
	Do	Do				3 0 0		3 0 26			
	Do	Do				3 0 0		2 2 4			
	Do	Do				4 0 0		1 3 0			
	Do	Do				4 0 0		1 2 0			
	Do	Do	1 0	1 0 0	Henry Dyball	....	.....	42 0 0	....	42 0 0	
	Do	Do	1 0	1 0 0	William Davis	....	.....	51 2 0	....		5 3 0
	Do	Do	1 0	1 0 0	John Gillespie	....	.....	303 0 0	....	303 0 0	
	Do	Do				....	.....	43 1 0	....	43 5 0	
	Do	Do				....	.....	160 0 0	....	
	Do	Do	1 0	1 0 0	Anthony Rolfe	....	.....	60 0 0	....	60 0 0	
	Do	Do	1 0	1 0 0	John Butler	....	.....	88 0 0	....	88 0 0	
	Do	Do	1 0	1 0 0	John Leonard	....	.....	33 0 0	....	33 0 0	
	Do	Do	1 0	1 0 0	Do	....	.....	160 0 0	....	160 0 0	
	Do	Do				....	.....	49 0 0	....	
	Do	Do				....	.....	58 0 0	....	
	Do	Do	1 0	1 0 0	Henry Hall	....	.....	79 0 0	....	79 0 0	
	Do	Do				....	.....	48 0 0	....	
	Do	Do				....	.....	52 0 0	....	
	Do	Do				....	.....	41 0 0	....	
	Do	Do				....	.....	41 0 0	....	
	Do	Do	1 0	1 0 0	John Crenigan	....	.....	90 0 0	....	90 0 0	
	Do	Do				....	.....	39 0 0	....	
	Do	Do				....	.....	37 1 0	....	
	Do	Do				1 0 0	John Burke	41 0 0	....		4 3 0
	Do	Do				1 0 0	David Walsh	43 0 0	....		4 6 0
	Do	Do				1 0 0	John Ryan	40 3 0	....		4 1 6
	Do	Do	1 0	1 0 0	William Davis	....	.....	25 2 3	....	25 10 5	
	Do	Do	1 0	1 0 0	Do	....	.....	50 0 0	....	50 0 0	
	Do	Do	1 0	1 0 0	Do	....	.....	33 0 0	....	33 0 0	
	Do	Do	1 0	1 0 0	Do	....	.....	44 0 0	....	44 0 0	
	Do	Do	1 0	1 0 0	Do	....	.....	42 0 0	....	42 0 0	
	Do	Do	1 0	1 10 6	John Donnelly	....	.....	30 0 0	....	45 15 0	
	Do	Do	1 0	1 0 0	Do	....	.....	160 0 0	....	160 0 0	
	Do	Do				4 0 0			1 0 0		
	Do	Do				4 0 0			1 0 0		
	Do	Do				4 0 0			1 0 0		
	Do	Do				4 0 0			1 0 0		
	Do	Do				4 0 0			1 0 0		
Dec. 7	Maitland	Maitland									
	Do	Do									
	Do	Do									
	Do	Do									
	Do	Do									
	Do	Do	1 0	1 0 0	William McPhellemey	....	.....	21 0 0	....	21 0 0	
	Do	Do	2 0	2 0 0	James Mitchell	....	.....	114 0 0	....	228 0 0	
	Do	Do	2 0	2 0 0	Do	....	.....	98 3 0	....	197 10 0	
	Do	Do	2 0	2 0 0	Do	....	.....	107 0 0	....	214 0 0	
	Do	Do	2 0	2 0 0	Do	....	.....	48 0 0	....	96 0 0	
	Do	Do	2 0	2 0 0	Do	....	.....	54 0 0	....	108 0 0	
	Do	Do				2 0 0		40 2 0	....	
	Do	Do				2 0 0		40 2 0	....	
	Do	Do				2 0 0		40 2 0	....	
	Do	Do				2 0 0		38 2 0	....	
	Do	Do				2 0 0		35 2 0	....	

CROWN LANDS.

Date and Place at which the Auction was held.		District in which the Lands were situated.	Upset price per acre of Land sold.	Prices per acre realized in each case.	Names of Purchasers.	Upset price per acre of land not bid for, or withdrawn from sale, or for which the purchase money was not made good, or the deposit forfeited.	Names of Bidders.	Description of Land.		Amount realized.	Deposit forfeited.
Date.	Place.							Country.	Suburban.		
1861.			£ s.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
Dec. 9	Goulburn ..	Goulburn ..				1 0 0		144 2 0			
	Do ..	Do ..				1 0 0		51 2 0			
	Do ..	Do ..				1 0 0		72 2 0			
	Do ..	Do ..				1 0 0		320 0 0			
	Grafton ..	Grafton ..				1 0 0		44 0 0			
	Do ..	Do ..				1 0 0		50 0 0			
	Do ..	Do ..				1 0 0		52 0 0			
	Do ..	Do ..	1 0	1 0 0	Donald Munro	....	....	49 0 0	....	49 0 0	
	Do ..	Do ..	1 0	1 17 0	James Watson ..	....	....	74 0 0	....	136 18 0	
	Do ..	Do ..				1 0 0		49 0 0			
	Do ..	Do ..				1 0 0		47 0 0			
	Do ..	Do ..				1 0 0		45 0 0			
	Do ..	Do ..				1 0 0		31 0 0			
	Do ..	Do ..				1 0 0		29 1 0			
	Do ..	Do ..				1 0 0		48 0 0			
	Do ..	Do ..				1 0 0		39 0 0			
	Do ..	Do ..				1 0 0		42 2 0			
	Do ..	Do ..				1 0 0		44 0 0			
	Do ..	Do ..				1 0 0		43 0 0			
	Do ..	Do ..	1 0	1 0 0	Donald Munro ..	....	....	46 0 0	....	46 0 0	
	Do ..	Do ..				1 0 0		44 0 0			
	Do ..	Do ..				1 0 0		27 0 0			
	Do ..	Do ..				1 0 0		27 0 0			
	Do ..	Do ..				1 0 0		32 0 0			
	Do ..	Do ..				1 0 0		43 0 0			
	Do ..	Do ..				1 0 0		63 0 0			
	Do ..	Do ..	1 0	2 1 0	William Janes ..	....	....	44 0 0	....	90 4 0	
	Do ..	Do ..				1 0 0		46 0 0			
	Do ..	Do ..	1 0	2 1 0	James Noonan ..	....	....	45 0 0	....	92 5 0	
	Do ..	Do ..				1 0 0		55 0 0			
	Do ..	Do ..				1 0 0		81 0 0			
	Do ..	Do ..	1 0	1 12 0	James Cameron ..	....	....	24 0 0	....	39 12 0	
	Do ..	Do ..	1 0	1 6 0	John Smith ..	....	....	20 2 0	....	25 12 6	
	Do ..	Do ..	1 0	1 2 0	James Camcron ..	....	....	19 1 0	....	21 3 6	
	Do ..	Do ..				1 0 0		23 3 0			
	Do ..	Do ..	1 0	1 4 0	Patk. Riddle Donaldson	....	....	24 0 0	....	28 16 0	
	Do ..	Do ..	1 0	1 0 0	James Wilson ..	....	....	28 2 0	....	28 10 0	
	Do ..	Do ..	1 0	1 0 0	John Shaw ..	....	....	46 0 0	....	45 0 0	
	Do ..	Do ..	1 0	1 10 0	Donald Stewart ..	....	....	45 0 0	....	69 0 0	
	Do ..	Do ..	1 0	1 13 0	Allan Cameron ..	....	....	47 0 0	....	77 11 0	
	Newcastle ..	Newcastle ..				2 0 0		122 0 0			
	Do ..	Do ..				2 0 0	J. and A. Brown	140 0 0			600 5 0
	Do ..	Do ..	2 0	7 10 0	Newcastle Wallsend Coal Company.	....	....	152 0 0	....	1140 0 0	
	Do ..	Do ..				....	....	180 0 0	....	1782 0 0	
	Do ..	Do ..	2 0	9 18 0	Do ..	....	....	159 0 0	....	779 2 0	
	Do ..	Do ..	2 0	4 18 0	Do ..	....	....	166 0 0	....	607 5 8	
	Do ..	Do ..	2 0	3 13 2	Do ..	....	....	191 0 0	J. and A. Brown		355 14 9
	Do ..	Do ..	2 0	8 8 0	Newcastle Wallsend Coal Company.	....	....	183 0 0	....	622 4 0	
	Do ..	Do ..				....	....	169 0 0	....	477 0 0	
	Do ..	Do ..	2 0	3 0 0	Do ..	....	....	42 2 0	....	43 11 3	
	Orange ..	Orange ..	1 0	1 0 0	John M'Kenna ..	....	....	60 0 0	....	60 0 0	
	Do ..	Do ..	1 0	1 0 0	Do ..	....	....	44 0 0	....	44 0 0	
	Do ..	Do ..	1 0	1 0 0	Samuel Hobson ..	....	....	79 2 0	....	
	Do ..	Do ..				1 0 0	....	73 3 0	....	
	Do ..	Do ..	1 0	1 0 0	Alexander Nesbit ..	....	....	62 0 0	....	62 0 0	
	Do ..	Do ..	1 0	1 0 0	John Evans ..	....	....	65 0 0	....	65 0 0	
	Do ..	Do ..				1 0 0	....	60 0 0	....	
	Do ..	Do ..				1 0 0	....	61 0 0	....	
	Do ..	Do ..				1 0 0	....	210 0 0	....	
	Do ..	Do ..				1 0 0	....	37 0 0	....	
	Do ..	Do ..	1 0	1 0 0	Joseph Glasson ..	....	....	48 0 0	....	48 0 0	
	Do ..	Do ..	1 0	1 0 0	Levi Stoncstreet ..	....	....	69 2 0	....	69 10 0	
	Do ..	Do ..	1 0	1 0 0	Do ..	....	....	51 0 0	....	51 0 0	
	Do ..	Do ..	1 0	1 0 0	Do ..	....	....	49 0 0	....	49 0 0	
	Do ..	Do ..	1 0	1 0 0	John Lee ..	....	....	64 0 0	....	64 0 0	
	Do ..	Do ..	1 0	1 0 0	Do ..	....	....	44 0 0	....	44 0 0	
	Do ..	Do ..	1 0	1 0 0	Do ..	....	....	177 0 0	....	177 0 0	
	Do ..	Do ..	1 0	1 0 0	Do ..	....	....	20 0 0	....	20 0 0	
	Do ..	Do ..	1 0	1 0 0	Do ..	....	....	80 0 0	....	80 0 0	
	Do ..	Do ..	1 0	1 0 0	Do ..	....	....	40 0 0	....	40 0 0	
	Do ..	Do ..	1 0	1 0 0	Do ..	....	....	40 0 0	....	40 0 0	
	Do ..	Do ..	1 0	1 0 0	Do ..	....	....	40 0 0	....	40 0 0	
	Do ..	Do ..	1 0	1 0 0	Do ..	....	....	40 0 0	....	40 0 0	
	Do ..	Do ..	1 0	1 0 0	Do ..	....	....	20 2 0	....	20 10 0	
	Do ..	Do ..	1 0	1 0 0	John M'Donald ..	....	....	28 2 0	....	28 10 0	
	Do ..	Do ..	1 0	1 0 0	Hugh M'Donald ..	....	....	20 2 0	....	20 10 0	
	Do ..	Do ..	1 0	1 0 0	John M'Donald ..	....	....	20 3 0	....	20 15 0	
	Do ..	Do ..	1 0	1 0 0	John Lee ..	....	....	29 3 0	....	29 15 0	
	Do ..	Do ..	1 0	1 0 0	Do ..	....	....	24 2 0	....	24 10 0	
	Do ..	Do ..	1 0	1 0 0	Do ..	....	....	44 0 0	....	44 0 0	
	Do ..	Do ..	1 0	1 0 0	Do ..	....	....	22 3 0	....	22 15 0	

CROWN LANDS.

Date and Place at which the Auction was held.		District in which the Lands were situated.	Unset price per acre of Land sold.	Prices per acre realized in each case.	Names of Purchasers.	Unset price per acre of lots from sale of for which the purchase money was not made good, or the deposit forfeited.	Names of Bidders.	Description of Land.		Amount realized.	Deposit forfeited.
Date.	Place.							Country.	Suburban.		
1861.	Dec. 9	Rylstone	£ s. d.	£ s. d.	John Lee	£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
		Do	1 0	1 0 0	Do			21 2 0		21 10 0	
		Do	1 0	1 0 0	Do			89 0 0		89 0 0	
		Do	1 0	1 0 0	Do			41 0 0		41 0 0	
		Do	1 0	1 0 0	Do			20 0 0		20 0 0	
		Do	1 0	1 0 0	William Thompson			53 0 0		53 0 0	
		Do	1 0	1 0 0	Do			34 0 0		34 0 0	
		Do				1 0 0		48 0 0			
		Do				1 0 0		30 0 0			
		Do				1 0 0		30 0 0			
		Do	1 0	1 0 0	Henry Harris			30 0 0		30 0 0	
		Do	1 0	1 0 0	Do			30 0 0		30 0 0	
		Do	1 0	1 0 0	Robert Lender			20 0 24		20 3 0	
		Do	1 0	1 0 0	Do			24 3 0		24 15 0	
		Do	1 0	1 0 0	Robert Fitzgerald			100 0 0		100 0 0	
		Do	1 0	1 0 0	Do			80 0 0		80 0 0	
		Do	1 0	1 0 0	Do			80 0 0		80 0 0	
		Do	1 0	1 0 0	John Hyde			41 2 0		41 10 0	
		Do	1 0	1 0 0	John Hawker			20 0 0		20 0 0	
		Do	1 0	1 0 0	Ernest Allison Nardin			26 2 8		26 11 0	
		St. Alban's	1 0	1 0 0	William Farlow			27 1 0		27 5 0	
		Do	1 0	1 0 0	Charles Henry Tuckerman			35 0 0		35 0 0	
		Do	1 0	1 0 0	William Farlow			23 1 0		23 5 0	
		Do	1 0	1 0 0	John Thomas Gasper			49 0 0		49 0 0	
		Do	1 0	1 0 0	William Wells			21 2 16		21 12 0	
		Do	1 0	1 0 0	Henry Laycock			23 3 0		23 15 0	
		Do	1 0	1 0 0	Robert Laycock			20 0 0		20 0 0	
		Do	1 0	1 0 0	George Laycock			21 2 0		21 10 0	
		Do	1 0	1 0 0	Thomas Laycock, junr.			26 3 0		26 15 0	
		Do	1 0	1 0 0	Andrew Laycock			20 3 0		20 15 0	
		Tabulam	1 0	1 0 0	Edward David Ogilvie	1 0 0		26 14 0			
		Do	1 0	1 0 0	Do			41 0 0		41 0 0	
		Do	1 0	1 0 0	Do			41 0 0		41 0 0	
		Do	1 0	1 0 0	Do			43 0 0		43 0 0	
		Do	1 0	1 0 0	Do			45 0 0		45 0 0	
		Do				1 0 0		47 0 0			
		Do				1 0 0		51 0 0			
		Do				1 0 0		40 0 0			
		Do				1 0 0		33 0 0			
		Do				1 0 0		38 0 0			
		Do				1 0 0		43 0 0			
		Do				1 0 0		44 0 0			
		Do				1 0 0		54 0 0			
		Do				1 0 0		40 0 0			
		Do				1 0 0		40 0 0			
		Do				1 0 0		43 0 0			
		Do				1 0 0		40 0 0			
		Do				1 0 0		45 0 0			
		Do				1 0 0		41 0 0			
		Do				1 0 0		41 0 0			
		Do				1 0 0		42 0 0			
		Do				1 0 0		46 0 0			
		Do				1 0 0		54 0 0			
		Do				1 0 0		42 0 0			
		Do				1 0 0		44 0 0			
		Do				1 0 0		46 0 0			
		Do				1 0 0		45 0 0			
		Do				1 0 0		42 0 0			
		Do				1 0 0		38 1 0			
		Do				1 0 0		27 0 0			
		Do				1 0 0		22 1 0			
		Do				1 0 0		18 2 0			
		Do				1 0 0		32 8 0			
		Do				1 0 0		20 0 0			
		Do				1 0 0		22 1 0			
		Do				1 0 0		22 1 0			
		Do				1 0 0		41 0 0			
		Do				1 0 0		43 0 0			
		Do				1 0 0		40 0 0			
		Do				1 0 0		52 0 0			
		Do				1 0 0		37 0 0			
		Do				1 0 0		40 0 0			
		Do				1 0 0		40 0 0			
		Do				1 0 0		43 0 0			
		Do				1 0 0		32 0 0			
		Do				1 0 0		55 0 0			
		Wagga Wagga					John Peter	55 0 0		13 15 0	
		Do					Do	66 0 0		16 10 0	

CROWN LANDS.

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Date.	Place.							Country.	Suburban.		
1861.			£ s.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
Dec. 9	Wagga Wagga	Wagga Wagga	1 0 0	John Peter	66 0 0	16 10 0	0
	Do	Do	..	....	.....	1 0 0	Do	95 0 0	....	23 15 0	0
	Do	Do	..	....	.....	1 0 0	Do	82 0 0	....	20 10 0	0
	Do	Do	..	....	.....	1 0 0	Do	86 0 0	....	21 10 0	0
	Do	Do	..	....	.....	1 0 0	Do	62 0 0	....	15 10 0	0
	Do	Do	..	....	.....	1 0 0	Do	121 0 0	....	30 5 0	0
	Do	Do	..	....	.....	1 0 0	Do	80 2 0	....	20 2 6	0
	Do	Do	..	....	.....	1 0 0		82 2 0			
	Do	Do	..	....	.....	1 0 0		86 3 0			
	Do	Do	..	....	.....	1 0 0		92 1 0			
	Do	Do	..	....	.....	1 0 0		172 1 0			
	Do	Do	..	....	.....	1 0 0		82 3 0			
	Do	Do	..	....	.....	1 0 0		82 3 0			
	Do	Do	..	....	.....	1 0 0		87 0 0			
	Do	Do	..	....	.....	1 0 0		119 0 0			
	Do	Do	..	....	.....	1 0 0		123 1 0			
	Do	Do	..	....	.....	1 0 0		189 2 0			
	Do	Do	..	....	.....	1 0 0		122 1 0			
	Do	Do	..	....	.....	1 0 0		162 3 0			
	Do	Do	..	....	.....	1 0 0		131 2 0			
	Do	Do	..	....	.....	1 0 0		118 3 0			
	Do	Do	..	....	.....	1 0 0		123 2 0			
	Do	Do	..	....	.....	1 0 0		135 3 0			
	Do	Do	..	....	.....	1 0 0		82 3 0			
	Do	Do	..	....	.....	1 0 0		82 3 0			
	Do	Do	..	....	.....	1 0 0		82 3 0			
	Do	Do	..	....	.....	1 0 0		67 0 0			
	Do	Do	..	....	.....	1 0 0		50 0 0			
	Do	Do	..	....	.....	1 0 0		44 0 0			
	Do	Do	1 0	1 0 0	Frederick A. Tompson ..	....	.....	36 0 0	....	36 0 0	0
	Do	Do	1 0	1 0 0	John Glover ..	....	.....	52 0 0	....	52 0 0	0
	Do	Do	1 0	1 0 0	Do ..	....	.....	48 0 0	....	48 0 0	0
	Do	Do	..	....	.....	1 0 0		131 0 0			
	Do	Do	..	....	.....	1 0 0		130 2 0			
	Do	Do	..	....	.....	1 0 0		105 1 0			
	Do	Do	..	....	.....	1 0 0		267 0 0			
	Do	Do	..	....	.....	1 0 0		177 0 0			
	Do	Do	..	....	.....	1 0 0		131 0 0			
	Wallgett	Wec Waa	..	....	.....	1 0 0		48 0 0			
	Do	Do	..	....	.....	1 0 0		50 0 0			
	Do	Do	..	....	.....	1 0 0		39 0 0			
	Do	Do	..	....	.....	1 0 0		30 0 0			
	Do	Do	1 0	1 0 0	James Glass ..	....	.....	56 0 0	....	55 0 0	0
	Do	Do	..	....	.....	1 0 0		35 0 0			
	Do	Do	..	....	.....	1 0 0		51 0 0			
	Do	Do	..	....	.....	1 0 0		44 0 0			
	Do	Do	..	....	.....	1 0 0		55 0 0			
	Do	Do	..	....	.....	1 0 0		44 0 0			
	Do	Do	..	....	.....	1 0 0		55 0 0			
	Do	Do	..	....	.....	1 5 0		3 0 0			
	Do	Do	..	....	.....	1 5 0		6 0 0			
	Do	Do	..	....	.....	1 5 0		10 0 0			
	Do	Do	..	....	.....	1 5 0		10 0 0			
	Do	Do	..	....	.....	1 5 0		10 0 0			
	Do	Do	..	....	.....	1 5 0		10 0 0			
	Do	Do	..	....	.....	1 5 0		10 0 0			
	Do	Do	..	....	.....	1 5 0		10 0 0			
	Do	Do	..	....	.....	1 5 0		10 0 0			
	Do	Do	..	....	.....	1 5 0		10 0 0			
	Do	Do	..	....	.....	1 5 0		10 0 0			
	Windsor	Windsor	1 0	1 0 0	Richard Allen ..	....	.....	42 1 0	....	42 5 0	0
	Do	Do	..	....	.....	1 0 0		42 0 0			
	Do	Do	..	....	.....	1 0 0		42 0 0			
	Do	Do	..	....	.....	1 0 0		54 1 0			
	Do	Do	..	....	.....	1 0 0		40 1 0			
	Do	Do	..	....	.....	1 0 0		45 0 0			
	Do	Do	..	....	.....	1 0 0		40 3 0			
	Do	Do	..	....	.....	1 0 0		42 3 0			
	Do	Do	..	....	.....	1 0 0		21 1 0			
	Do	Do	..	....	.....	1 0 0		49 3 0			
	Do	Do	..	....	.....	1 0 0		43 2 0			
	Do	Do	..	....	.....	1 0 0		36 2 0			
Dec. 10	Bathurst	Bathurst	1 0	1 0 0	Thomas Stattery..	....	.....	36 0 0	....	36 0 0	0
	Do	Do	..	....	.....	1 0 0		46 0 0			
	Do	Do	..	....	.....	1 0 0		28 0 0			
	Do	Do	..	....	.....	1 0 0		41 0 0			
	Do	Do	..	....	.....	1 0 0		41 0 0			
	Do	Do	..	....	.....	1 0 0		30 0 0			
	Do	Do	..	....	.....	1 0 0		43 0 0			
	Do	Do	..	....	.....	1 0 0		32 0 0			
	Do	Do	..	....	.....	1 0 0		40 0 0			
	Do	Do	..	....	.....	1 0 0		30 0 0			
	Do	Do	..	....	.....	1 0 0		47 1 0			
	Do	Do	..	....	.....	1 0 0		31 2 0			

CROWN LANDS.

Date and Place at which the Auction was held.		District in which the Lands were situated.	Upset price per acre of Land sold.	Prices per acre realized in each case.	Names of Purchasers.	Upset price per acre of lots in lots for which the purchase money was not made good, or the deposit forfeited.	Names of Bidders.	Description of Land.		Amount realized.	Deposit forfeited.
Date.	Place.							Country.	Suburban.		
1861.			£ s.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
Dec. 10	Bathurst	Bathurst				1 0 0		41 3 0			
	Do	Do				1 0 0		30 0 0			
	Do	Do				1 0 0		32 2 0			
	Do	Do				1 0 0		26 2 0			
	Do	Do				1 0 0		33 1 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		46 0 0			
	Do	Do				1 0 0		32 0 0			
	Do	Do				1 0 0		31 0 0			
	Do	Do				1 0 0		33 2 0			
	Do	Do				1 0 0		32 0 0			
	Do	Do				1 0 0		32 2 0			
	Do	Do				1 0 0	Patrick Neville	30 0 0			7 10 0
	Do	Do				1 0 0		39 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do	1 0	1 0 0	John Whiteford	.....		42 0 0	.....	42 0 0	
	Do	Do	1 0	1 0 0	Do	.....		31 3 0	.....	31 15 0	
	Do	Do				1 0 0		30 3 0			
	Do	Do				1 0 0		30 0 0			
	Do	Do				1 0 0		35 0 0			
	Do	Do				1 0 0		55 0 0			
	Do	Do				1 0 0		45 0 0			
	Do	Do				1 0 0		48 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		36 0 0			
	Do	Do				1 0 0		38 0 0			
	Do	Do	1 0	1 0 0	James Maher	.....		30 0 0	.....	30 0 0	
	Do	Do	1 0	1 0 0	William Sweetnam	.....		28 0 0	.....	28 0 0	
	Do	Do	1 0	1 0 0	Jacob Barnes	.....		28 0 0	.....	28 0 0	
	Do	Do				1 0 0		40 1 0			
	Do	Do				1 0 0		32 2 0			
	Grafton	Grafton	1 0	1 0 0	Allan Cameron	.....		31 0 0	.....	31 0 0	
	Do	Do	1 0	1 0 0	Duncan Cameron	.....		31 0 0	.....	31 0 0	
	Do	Do	1 0	1 0 0	Alex. and Thos. M'Intosh	.....		43 0 0	.....	43 0 0	
	Do	Do				1 0 0	Wm. Johnson	42 0 0			12 1 6
	Do	Do				1 0 0	Cath. M'Donald	43 0 0			10 15 0
	Do	Do				1 0 0	M. M'Farlane	32 0 0			8 0 0
	Do	Do				1 0 0		49 0 0			
	Do	Do				1 0 0		27 2 0			
	Do	Do				1 0 0		43 0 0			
	Do	Do				1 0 0	Donald Stewart	31 0 0			7 15 0
	Do	Do				1 0 0		50 0 0			
	Do	Do				1 0 0		45 0 0			
	Do	Do				1 0 0		44 0 0			
	Do	Do				1 0 0		43 0 0			
	Do	Do				1 0 0		43 0 0			
	Do	Do				1 0 0	James Maund	41 0 0			10 5 0
	Do	Do				1 0 0		57 2 0			
	Do	Do				1 0 0		43 0 0			
	Do	Do				1 0 0		33 0 0			
	Do	Do				1 0 0		45 0 0			
	Do	Do				1 0 0		50 0 0			
	Do	Do				1 0 0		41 1 0			
	Do	Do				1 0 0		71 0 0			
	Do	Do				1 0 0		43 0 0			
	Do	Do				1 0 0		51 0 0			
	Do	Do				1 0 0		64 0 0			
	Do	Do				1 0 0		40 3 0			
	Do	Do				1 0 0		46 0 0			
	Do	Do				1 0 0		40 0 3			
	Do	Do				1 0 0		43 0 0			
	Do	Do				1 0 0		43 0 0			
	Do	Do	1 0	1 0 0	Donald Stewart	.....		41 0 0	.....	36 0 0	
	Do	Do				1 0 0		45 0 0			
	Do	Do				1 0 0		64 1 0			
	Do	Do				1 0 0		45 0 0			
	Do	Do				1 0 0		50 0 0			
	Do	Do				1 0 0		52 2 0			
	Do	Do				1 0 0		41 1 0			
	Do	Do				2 0 0		7 0 0			
	Inverell	Wellingrove				1 0 0		51 0 0			
	Do	Do				1 0 0		70 0 0			
	Do	Do				1 0 0		18 0 0			
	Do	Do				1 0 0		34 0 0			
	Do	Do				1 0 0		46 0 0			
	Tabulam	Tabulam				1 0 0		43 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		20 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		39 0 0			
	Do	Do				1 0 0		41 0 0			

CROWN LANDS.

Date and Place at which the Auction was held.		District in which the Lands were situated.	Upset price per acre of Land sold.	Prices per acre realized in each case.	Names of Purchasers.	Upset price per acre of land bid for, or the price from sale for which the purchase money was not made good, or the deposit forfeited.	Names of Bidders.	Description of Land.		Amount realized.	Deposit forfeited.
Date.	Place.							Country.	Suburban.		
			£ s. d.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
1861.											
Dec. 19	Albury	Albury				1 0 0		114 0 0			
	Do	Do				1 0 0		152 2 0			
	Do	Do				1 0 0		130 1 0			
	Do	Do				1 0 0		188 3 0			
	Do	Do				1 0 0		101 0 0			
	Do	Do				1 0 0		106 0 0			
	Do	Do				1 0 0		183 0 0			
	Do	Do				1 0 0		115 2 0			
	Do	Do				1 0 0		145 0 0			
	Do	Do				1 0 0		152 2 0			
	Do	Do				1 0 0		162 2 0			
	Do	Do				1 0 0		244 3 0			
	Do	Do				1 0 0		140 2 0			
	Do	Do				1 0 0		122 0 0			
	Do	Do				1 0 0		31 0 0			
	Armidale	Armidale				1 0 0		25 0 0			
	Do	Do				1 0 0		26 0 0			
	Do	Do				1 0 0		35 0 0			
	Do	Do				1 0 0		37 2 0			
	Do	Do				1 0 0		77 2 0			
	Do	Do				1 0 0		80 0 0			
	Do	Do				1 0 0		34 0 0			
	Do	Do				1 0 0		44 0 0			
	Do	Do				1 0 0		39 0 0			
	Do	Do				1 0 0		39 0 0			
	Do	Do	1 0	1 0 0	Grace Dangar	1 0 0		29 0 0		29 0 0	
	Do	Do	1 0	1 0 0	Do	1 0 0		40 0 0		40 0 0	
	Do	Do	1 0	1 0 0	Do	1 0 0		45 0 0		45 0 0	
	Do	Do	1 0	1 0 0	Do	1 0 0		76 0 0		76 0 0	
	Do	Do	1 0	1 0 0	Do	1 0 0		74 0 0			
	Do	Do	1 0	1 0 0	Elizabeth Faint	1 0 0		37 0 0		37 0 0	
	Do	Do	1 0	1 15 0	Do	1 0 0		37 0 0		64 15 0	
	Do	Do	1 0	2 5 0	Do	1 0 0		40 0 0		90 0 0	
	Do	Do	1 0	1 0 0	Do	1 0 0		40 0 0		40 0 0	
	Do	Do				1 0 0		74 0 0			
	Do	Do				1 0 0		80 0 0			
	Do	Do				1 0 0		80 0 0			
	Do	Do				1 0 0		80 0 0			
	Do	Do				1 0 0		80 0 0			
	Do	Do				1 0 0		74 0 0			
	Do	Do	1 0	1 0 0	Andreas Laseker	1 0 0		80 0 0		80 0 0	
	Do	Do	1 0	1 0 0	Thomas Cattle	1 0 0		74 0 0			
	Do	Do				1 0 0		80 0 0		80 0 0	
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do	1 0	1 0 0	Jacob Sattler	1 0 0		40 0 0		40 0 0	
	Do	Do	1 0	1 0 0	Grace Dangar	1 0 0		121 2 0		121 10 0	
	Do	Do	1 0	1 0 0	Do	1 0 0		121 2 0		121 10 0	
	Do	Do	1 0	1 0 0	Do	1 0 0		124 2 0		124 10 0	
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		80 0 0			
	Do	Do	1 0	1 0 0	Grace Dangar	1 0 0		80 0 0		80 0 0	
	Do	Do	1 0	1 0 0	Do	1 0 0		80 0 0		80 0 0	
	Do	Do	1 0	1 0 0	Do	1 0 0		80 0 0		60 0 0	
	Do	Do	1 0	1 0 0	Do	1 0 0		87 3 0		87 15 0	
	Do	Do	1 0	1 0 0	Do	1 0 0		87 3 0		87 15 0	
	Do	Do	1 0	1 0 0	Do	1 0 0		41 2 0		41 10 0	
	Do	Do	1 0	1 0 0	Do	1 0 0		45 0 0		45 0 0	
	Do	Do	1 0	1 0 0	Do	1 0 0		45 0 0		45 0 0	
	Do	Do	1 0	1 0 0	Do	1 0 0		60 0 0		60 0 0	
	Do	Do	1 0	1 0 0	Do	1 0 0		60 0 0		60 0 0	
	Do	Do	1 0	1 0 0	Do	1 0 0		97 3 0		97 15 0	
	Do	Do	1 0	1 0 0	Do	1 0 0		105 0 0		105 0 0	
	Do	Do				1 0 0		40 0 0			
	Bathurst	Bathurst				1 0 0		36 0 0			
	Do	Do				1 0 0		37 0 0			
	Do	Do				1 0 0		36 0 0			
	Do	Do	1 0	1 0 0	John Bligh Suttor	1 0 0		32 0 0		32 0 0	
	Do	Do	1 0	1 0 0	Thomas Charles Suttor	1 0 0		38 0 0		38 0 0	
	Do	Do	1 0	1 0 0	Michael Hackett	1 0 0		136 0 0		136 0 0	
	Do	Do				1 0 0		38 3 0			
	Do	Do	1 0	1 0 0	Jeremiah O'Donnell	1 0 0		33 1 0		33 5 0	
	Do	Do	1 0	1 0 0	John Bligh Suttor	1 0 0		37 3 0		37 15 0	
	Do	Do	1 0	1 0 0	Do	1 0 0		38 0 0		38 0 0	
	Do	Do	1 0	1 0 0	Do	1 0 0		40 2 0		40 10 0	
	Do	Do	1 0	1 0 0	Do	1 0 0		33 0 0		33 0 0	
	Do	Do				1 0 0		43 2 0			
	Do	Do				1 0 0		43 0 0			
	Do	Do				1 0 0		52 0 0			
	Do	Do				1 0 0		37 2 0			
	Do	Do				1 0 0		62 0 0			

CROWN LANDS.

Date and Place at which the Auction was held.		District in which the Lands were situated.	Upset price per acre of Land sold.	Prices per acre realized in each case.	Names of Purchasers.	Upset price per acre of lots not bid for or withdrawn from sale, or for which the purchase money was not forthcoming or the deposit forfeited.	Names of Bidders.	Description of Land.		Amount realized.	Deposit forfeited.
Date.	Place.							Country.	Suburban.		
			£ s.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
1861.	Dec. 19	Bathurst ..	Bathurst ..								
		Do ..	Do ..					34 2 0			
		Do ..	Do ..					30 0 0			
		Do ..	Do ..					40 0 0			
		Do ..	Do ..					40 0 0			
		Do ..	Do ..					41 0 0			
		Do ..	Do ..					42 0 0			
		Do ..	Do ..					54 0 0			
		Do ..	Do ..					30 0 0			
		Do ..	Do ..					30 0 0			
		Do ..	Do ..					40 0 0			
		Do ..	Do ..					40 0 0			
		Do ..	Do ..					30 0 0			
		Do ..	Do ..					40 0 0			
		Do ..	Do ..					31 0 0			
		Do ..	Do ..					31 0 0			
		Do ..	Do ..					40 0 0			
		Do ..	Do ..					40 0 0			
		Do ..	Do ..					34 2 0			
		Do ..	Do ..					29 0 13			
		Do ..	Do ..					30 0 0			
		Do ..	Do ..					30 0 0			
		Do ..	Do ..					26 3 8			13 8 0
		Do ..	Do ..				Thomas Sadlier	38 3 0			
		Do ..	Do ..					35 3 0			
		Do ..	Do ..					44 0 0			
		Do ..	Do ..					36 1 0			
		Do ..	Do ..					49 1 0			
		Do ..	Do ..				Thomas Sadlier	32 0 0			16 0 0
		Do ..	Do ..					33 0 0			
		Do ..	Do ..					34 0 0			
		Do ..	Do ..					49 3 0			
		Do ..	Do ..					31 1 0			
		Do ..	Do ..				Thomas Sadlier	27 3 0			13 17 6
		Rylstone ..	Rylstone ..	1 0	1 0 0	Thomas Conran ..		36 0 0		36 0 0	
		Do ..	Do ..	1 0	1 0 0	Do ..		29 3 0		29 15 0	
		Do ..	Do ..	1 0	1 0 0	Do ..		43 0 0		43 0 0	
		Do ..	Do ..	1 0	1 0 0	Do ..		40 0 0		40 0 0	
		Do ..	Do ..	1 0	1 0 0	Do ..		29 2 0		29 10 0	
		Do ..	Do ..	1 0	1 0 0	Do ..		31 0 0		31 0 0	
		Do ..	Do ..					20 3 0			5 3 9
		Do ..	Do ..			John Moore ..		21 0 0			5 5 0
		Do ..	Do ..	1 0	1 0 0	Michael Moore, junr. ..		20 2 0		20 10 0	
		Do ..	Do ..					40 0 0			
		Do ..	Do ..					20 0 0			
		Do ..	Do ..					20 0 0			
		Do ..	Do ..	1 0	2 2 0	H. Nevell and E. Radford		99 0 0		207 0 0	
		Do ..	Do ..	1 0	1 0 0	John Farrer ..		30 0 0		30 0 0	
		Do ..	Do ..					20 0 0			
		Do ..	Do ..	1 0	1 0 0	Daniel Moore ..		24 0 0		24 0 0	
		Do ..	Do ..					20 0 0			
		Do ..	Do ..					20 3 0			
		Do ..	Do ..	1 0	2 0 0	Robert and Wm. Martin		20 3 0		41 10 0	
		Do ..	Do ..	1 0	1 0 0	Robert Moore ..		20 1 0		20 5 0	
		Do ..	Do ..	1 0	3 0 0	Robert Fitzgerald		30 0 0		90 0 0	
		Do ..	Do ..	1 0	1 0 0	John Lee ..		96 0 0		98 0 0	
		Do ..	Do ..	1 0	1 0 0	Do ..		97 0 0		97 0 0	
		Do ..	Do ..	1 0	1 0 0	Do ..		97 0 0		97 0 0	
		Do ..	Do ..	1 0	1 0 0	Do ..		98 0 0		98 0 0	
		Do ..	Do ..	1 0	1 0 0	Do ..		97 0 0		97 0 0	
		Do ..	Do ..	1 0	1 0 0	Do ..		97 0 0		97 0 0	
		Do ..	Do ..	1 0	1 0 0	Do ..		137 0 0		137 0 0	
		Do ..	Do ..	1 0	1 0 0	Do ..		64 0 0		64 0 0	
		Do ..	Do ..	1 0	1 0 0	Do ..		91 0 0		91 0 0	
		Do ..	Do ..					30 0 0			7 10 0
		Do ..	Do ..			Fusdale Brothers		30 0 0			7 10 0
		Do ..	Do ..			Do ..		39 0 0			9 15 0
		Do ..	Do ..	1 0	1 0 0	John Lee ..		53 0 0		53 0 0	
		Do ..	Do ..	1 0	1 0 0	Do ..		61 0 0		51 0 0	
		Young ..	Binalong ..				Evelcen Nevell .	32 0 0			8 0 0
		Do ..	Do ..					277 0 0			
		Do ..	Do ..					232 0 0			
		Do ..	Do ..					194 0 0			
		Do ..	Do ..					140 3 0			
		Do ..	Do ..					104 2 0			
		Do ..	Do ..					86 2 0			
		Do ..	Do ..					71 3 0			
		Do ..	Do ..					62 3 0			
		Do ..	Do ..					46 0 0			
		Do ..	Do ..	1 0	1 0 0	Carlo Marina ..		25 3 0		25 15 0	
		Do ..	Do ..					33 3 0			
		Do ..	Do ..					55 0 0			
		Do ..	Do ..					48 1 0			
		Do ..	Do ..					36 3 0			
		Do ..	Do ..					36 0 0			
		Do ..	Do ..					30 0 0			

CROWN LANDS.

Date and Place at which the Auction was held.		District in which the Lands were situated.	Upset price per acre of Land sold.	Prices per acre realized in each case.	Names of Purchasers.	Upset price per acre of lots not bid for, or the price at which the purchase money was not made good, or the deposit forfeited.	Names of Bidders.	Description of Land.		Amount realized.	Deposit forfeited.
Date.	Place.							Country.	Suburban.		
1861.	Dec. 19	Young	£. s.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
		Binalong									
		Do				1 0 0		39 0 0			
		Do				1 0 0		67 2 0			
		Do				1 0 0		78 1 0			
		Do				1 0 0		68 2 0			
		Do				1 0 0		44 3 0			
		Do				1 0 0		48 0 0			
		Do				1 0 0		48 0 0			
		Do				1 0 0		41 2 0			
		Do				1 0 0		32 0 0			
		Do				1 0 0		45 0 0			
		Do				1 0 0		45 0 0			
		Do	1 0	1 0 0	Eliza Marina	1 0 0	.....	62 0 0	....	62 0 0	
		Do				1 0 0		40 2 0			
		Do				1 0 0		36 2 0			
		Do				1 0 0		41 0 0			
		Do				1 0 0		48 0 0			
		Do				1 0 0		45 0 0			
		Do				1 0 0		43 3 0			
		Do				1 0 0		46 0 0			
		Do				1 0 0		58 0 0			
		Do				1 0 0		49 2 0			
		Do				1 0 0		54 0 0			
		Do				1 0 0		61 0 0			
		Do				1 0 0		73 0 0			
		Do				1 0 0		42 0 0			
		Do				1 0 0		37 0 0			
		Do				1 0 0		70 0 0			
		Do				1 0 0		87 0 0			
		Do	1 0	1 0 0	Eliza Marina	1 0 0	.....	87 0 0	....	87 0 0	
		Do	1 0	1 0 0	John Chew	1 0 0	.....	87 0 0	....	87 0 0	
		Do	1 0	1 0 0	Do	1 0 0	.....	85 0 0	....	85 0 0	
	Dec. 20	Albury				1 0 0		106 1 0			
		Do				1 0 0		101 3 0			
		Do				1 0 0		92 1 0			
		Do				1 0 0		103 2 0			
		Do				1 0 0		104 1 0			
		Do				1 0 0		99 3 0			
		Do				1 0 0		100 2 0			
		Do				1 0 0		89 0 0			
		Do				1 0 0		99 0 0			
		Do				1 0 0		101 3 0			
		Do				1 0 0		104 0 0			
		Do				1 0 0		96 2 0			
		Do				1 0 0		85 0 0			
		Do				1 0 0		75 0 0			
		Do				1 0 0		98 0 0			
		Do				1 0 0		117 2 0			
		Do				1 0 0		128 0 0			
		Do				1 0 0		64 0 0			
		Do				1 0 0		38 0 0			
		Do				1 0 0		93 2 0			
		Do				1 0 0		40 0 0			
		Do				1 0 0		58 0 0			
		Do				1 0 0		53 0 0			
		Do				1 0 0		47 0 0			
		Do				1 0 0		79 0 0			
		Do				1 0 0		38 0 0			
		Do				1 0 0		77 2 0			
		Do				1 0 0		41 0 0			
		Do				1 0 0		58 0 0			
		Do				1 0 0		45 0 0			
		Do				1 0 0		47 0 0			
		Do				1 0 0		112 0 0			
		Do				1 0 0		96 1 0			
		Do				1 0 0		132 1 0			
		Do				1 0 0		73 3 0			
		Do				1 0 0		148 0 0			
		Do				1 0 0		117 1 0			
		Do				1 0 0		149 0 0			
		Do				1 0 0		87 2 0			
		Do				1 0 0		145 2 0			
		Do				1 0 0		148 1 0			
		Do				1 0 0		146 2 0			
		Do				1 0 0		144 3 0			
		Do				1 0 0		144 1 0			
		Do				1 0 0		146 2 0			
		Do				1 0 0		135 0 0			
		Do				1 0 0		156 3 0			
		Do				1 0 0		145 0 0			
		Do				1 0 0		132 0 0			
		Do				1 0 0		20 0 0			
		Do	1 0	1 0 0	John M'Lennan	1 0 0	40 0 0	40 0 0	
		Do				1 0 0		40 0 0			
		Do	1 0	1 0 0	John Macdonald	1 0 0	24 1 0	24 5 0	

CROWN LANDS.

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Date.	Place.							Country.	Suburban.		
1861.			£ s.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
Dec. 20	Berrima	Berrima				1 0 0		95 3 0			
Dec. 21	Albury	Albury				1 0 0		72 0 0			
	Do	Do				1 0 0		79 0 0			
	Do	Do				1 0 0		108 0 0			
	Do	Do				1 0 0		140 2 0			
	Do	Do				1 0 0		85 3 0			
	Do	Do				1 0 0		83 0 0			
	Do	Do				1 0 0		82 3 0			
	Do	Do				1 0 0		75 2 0			
	Do	Do				1 0 0		83 3 0			
	Do	Do				1 0 0		103 3 0			
	Do	Do				1 0 0		100 0 0			
	Do	Do				1 0 0		100 0 0			
	Do	Do				1 0 0		98 2 0			
	Do	Do	1 0	1 0 0	John Dight ..	1 0 0		77 0 0	....	77 0 0	
	Do	Do	1 0	1 0 0	Ancrum Heriot ..	1 0 0		805 0 0	....	305 0 0	
	Do	Do	1 0	1 0 0	Do ..	1 0 0		67 0 0	....	67 0 0	
	Do	Do	1 0	1 0 0	Do ..	1 0 0		66 0 0	....	66 0 0	
	Do	Do	1 0	1 0 0	Do ..	1 0 0		52 0 0	....	52 0 0	
	Do	Do	1 0	1 0 0	Do ..	1 0 0		105 3 0	....	105 15 0	
	Do	Do				1 0 0		156 0 0			
	Do	Do				1 0 0		87 3 0			
	Do	Do				1 0 0		77 0 0			
	Do	Do				1 0 0		101 2 0			
	Do	Do				1 0 0		127 2 0			
	Do	Do				1 0 0		199 1 0			
	Do	Do				1 0 0		163 3 0			
	Do	Do				1 0 0		212 1 0			
	Do	Do				1 0 0		152 0 0			
	Do	Do				1 0 0		97 0 0			
	Do	Do				1 0 0		79 1 0			
	Do	Do				1 0 0		75 2 0			
	Do	Do				1 0 0		34 2 0			
	Do	Do				1 0 0		101 0 0			
	Do	Do	1 0	1 0 0	John Dight ..	1 0 0		160 0 0	....	160 0 0	
	Do	Do	1 0	1 0 0	Do ..	1 0 0		194 0 0	....	194 0 0	
	Do	Do	1 0	1 0 0	Do ..	1 0 0		310 0 0	....	310 0 0	
	Do	Do	1 0	1 0 0	Do ..	1 0 0		277 0 0	....	277 0 0	
	Do	Do	1 0	1 0 0	Do ..	1 0 0		206 1 0	....	206 5 0	
	Do	Do	1 0	1 0 0	Do ..	1 0 0		266 0 0	....	266 0 0	
	Do	Do	1 0	1 0 0	Do ..	1 0 0		176 3 0	....	175 15 0	
	Do	Do	1 0	1 0 0	Do ..	1 0 0		180 0 0	....	180 0 0	
	Do	Do	1 0	1 0 0	Do ..	1 0 0		103 0 0	....	103 0 0	
	Armidale	Armidale	1 0	1 0 0	Grace Dangar ..	1 0 0		103 0 0	....	103 0 0	
	Do	Do	1 0	1 0 0	Do ..	1 0 0		99 0 0	....	99 0 0	
	Do	Do	1 0	1 0 0	Do ..	1 0 0		93 1 0	....	93 5 0	
	Do	Do	1 0	1 0 0	Do ..	1 0 0		58 1 0	....	58 5 0	
	Do	Do	1 0	1 0 0	Do ..	1 0 0		59 0 0	....	59 0 0	
	Do	Do				1 0 0		77 0 0			
	Do	Do				1 0 0		16 1 0			
	Do	Do				1 0 0		57 1 0			
	Do	Do	1 0	1 11 0	T. B. Fitzgerald ..	1 0 0		39 2 0	....	61 4 6	
	Do	Do	1 0	3 7 0	Michael Black ..	1 0 0		21 2 16	....	65 17 6	
	Do	Do				1 0 0		34 0 0			
	Do	Do				1 0 0		34 0 0			
	Do	Do				1 0 0		34 0 0			
	Do	Do	1 0	1 0 0	George Taylor ..	1 0 0		20 0 0	....	20 0 0	
	Do	Do	1 0	1 0 0	Do ..	1 0 0		10 0 0	....	10 0 0	
	Do	Do	1 0	1 0 0	Do ..	1 0 0		10 0 0	....	10 0 0	
	Do	Do	1 0	1 0 0	Do ..	1 0 0		20 0 0	....	22 0 0	
	Do	Do	1 0	1 0 0	Richard Taylor ..	1 0 0		20 0 0	....	20 0 0	
	Do	Do	1 0	1 0 0	Do ..	1 0 0		10 0 0	....	10 0 0	
	Do	Do	1 0	1 0 0	Edward Grover ..	1 0 0		11 0 0	....	11 0 0	
	Do	Do				1 0 0		22 0 0			
	Do	Do				1 0 0		14 0 0			
	Do	Do				1 0 0		15 1 24			
	Do	Do				1 0 0		21 0 0			
	Do	Do				1 0 0		21 0 0			
	Do	Do				1 0 0		18 0 0			
	Do	Do				1 0 0		16 2 0			
	Do	Do				1 0 0		14 2 0			
	Do	Do	1 0	1 0 0	William Dumaresq ..	1 0 0		23 2 0	....	23 10 0	
	Do	Do	1 0	1 0 0	Do ..	1 0 0		33 0 0	....	33 0 0	
	Berrima	Berrima				1 0 0		58 0 0			
	Do	Do				1 0 0		59 0 0			
	Do	Do				1 0 0		44 0 0			
	Do	Do				1 0 0		45 2 0			
	Do	Do				1 0 0		43 0 0			
	Do	Do				1 0 0		59 0 0			
	Do	Do				1 0 0		45 0 0			
	Do	Do				1 0 0		57 0 0			
	Do	Do				1 0 0		42 0 0			
	Do	Do	1 0	1 0 0	John Ellsmore ..	1 0 0		96 0 0	96 0 0	

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Date.	Place.						Country.	Suburban.		
1861.			£ s. d.	£ s. d.		£ s. d.	a. r. p.	a. r. p.	£ s. d.	£ s. d.
Dec. 21.	Berrima	Berrima	1 0	1 0 0	John Ellsmore	89 0 0	78 0 0
	Do	Do	1 0	1 0 0	Do	.....	78 0 0	.....	77 0 0	.....
	Do	Do				.....	75 2 0	.....	
	Do	Do				.....	54 0 0	.....	
	Do	Do				.....	54 2 0	.....	
	Do	Do				.....	40 2 0	.....	
	Do	Do				.....	85 0 0	.....	
	Do	Do				.....	80 0 0	.....	
	Do	Do				.....	89 0 0	.....	
	Do	Do				.....	40 0 0	.....	
	Do	Do				.....	86 0 0	.....	
	Do	Do				.....	201 0 0	.....	
	Do	Do				.....	296 0 0	.....	
	Do	Do				.....	54 0 0	.....	
	Do	Do				.....	156 0 0	.....	
	Braidwood	Braidwood	1 0	1 0 0	David Richardson	.....	43 2 0	.....	43 10 0	.....
	Do	Do				.....	43 2 0	.....	
	Do	Do	1 0	1 0 0	Luke Tierney	.....	40 0 0	.....	40 0 0	.....
	Do	Do	1 0	1 3 0	Do	.....	40 0 0	.....	40 0 0	.....
	Do	Do				.....	32 0 0	.....	
	Do	Do				.....	40 0 0	.....	
	Do	Do				.....	40 0 0	.....	
	Do	Do				.....	40 0 0	.....	
	Do	Do				.....	40 0 0	.....	
	Do	Do	1 0	1 0 0	John Gaynor	.....	40 0 0	.....	40 0 0	.....
	Do	Do	1 0	1 0 0	Do	.....	40 0 0	.....	40 0 0	.....
	Do	Do	1 0	1 0 0	Robert Maddrell	.....	60 0 0	.....	60 0 0	.....
	Do	Do				.....	81 0 0	.....	
	Do	Do				.....	43 0 0	.....	
	Do	Do				.....	43 0 0	.....	
	Do	Do				.....	43 2 0	.....	
	Do	Do				.....	43 2 0	.....	
	Gosford	Brisbane Water				.....	40 0 0	.....	
	Do	Do				.....	46 0 0	.....	
	Do	Do				.....	40 0 0	.....	
	Do	Do	1 0	1 13 0	James Charles Bonnell	.....	40 0 0	.....	66 0 0	.....
	Do	Do				.....	40 1 0	.....	
	Do	Do				.....	40 1 0	.....	
	Do	Do	1 0	1 0 0	William Woodbury	.....	28 0 0	.....	28 0 0	.....
	Do	Do	1 0	1 12 0	Ann Trainer	.....	32 0 0	.....	51 4 0	.....
	Do	Do	1 0	3 1 0	Richard Woodbury	.....	28 0 0	.....	85 8 0	.....
	Do	Do	1 0	1 0 0	John Kelly	.....	29 2 0	.....	29 10 0	.....
	Do	Do	3 0	3 0 0	James Watkins	.....	3 1 16	.....	10 3 7	.....
	Do	Do	3 0	3 0 0	Thomas Watkins	.....	2 0 0	.....	6 0 0	.....
	Do	Do	2 10	2 10 0	William Woodbury	.....	16 1 0	.....	25 12 6	.....
	Do	Do	2 10	2 10 0	Do	.....	10 1 0	.....	25 12 6	.....
	Do	Do				.....	14 0 0	.....	
	Do	Do				.....	10 0 0	.....	
	Do	Do	2 10	2 10 0	Edward Kelly	.....	11 0 0	.....	27 10 0	.....
	Do	Do	2 10	2 10 0	Thomas Atkins	.....	6 0 0	.....	15 0 0	.....
	Wagga Wagga	Wagga Wagga	1 0	1 0 0	Hugh Wallace	.....	37 2 0	.....	37 10 0	.....
	Yass	Yass	1 0	1 0 0	Denis Grant	.....	49 0 0	.....	49 0 0	.....
	Do	Do	1 0	1 0 0	Maurice Moore	.....	44 0 0	.....	44 0 0	.....
	Do	Do	1 0	1 0 0	Patrick Tully	.....	34 3 0	.....	84 15 0	.....
	Do	Do	1 0	1 0 0	William Brown	.....	20 0 0	.....	20 0 0	.....
	Do	Do	1 0	1 0 0	John Hallam	.....	30 0 0	.....	30 0 0	.....
	Do	Do	1 0	1 0 0	Jonas Granger	.....	51 3 0	.....	51 15 0	.....
	Do	Do	1 0	1 0 0	John Waters	.....	55 1 0	.....	55 5 0	.....
	Do	Do	1 0	1 0 0	Do	.....	40 2 0	.....	40 10 0	.....
	Do	Do				.....	48 3 0	.....	
	Do	Do				.....	47 0 0	.....	
	Do	Do	1 0	1 0 0	James Granger	.....	41 0 0	.....	41 0 0	.....
	Do	Do				.....	41 3 0	.....	
	Do	Do	1 0	1 0 0	John Lawliss	.....	94 1 0	.....	94 5 0	.....
	Do	Do	1 0	1 0 0	Do	.....	32 0 0	.....	32 0 0	.....
	Do	Do				.....	37 3 0	.....	
	Do	Do				.....	37 3 0	.....	
	Do	Do	1 0	1 0 0	George Reynolds	.....	48 2 0	.....	48 10 0	.....
	Do	Do				.....	70 1 0	.....	
	Do	Do	1 0	1 0 0	John M'Bean	.....	180 0 0	.....	180 0 0	.....
	Do	Do	1 0	1 0 0	Alexander Turner	.....	65 1 0	.....	65 5 0	.....
	Do	Do				.....	30 0 0	.....	
	Do	Do	1 0	1 0 0	Patterson Wilson	.....	15 0 0	.....	15 0 0	.....
	Do	Do	1 0	1 0 0	Patrick Fallon	.....	13 0 0	.....	13 0 0	.....
	Do	Do	1 0	1 0 0	Do	.....	16 0 0	.....	16 0 0	.....
	Do	Do	1 0	1 0 0	Do	.....	32 0 0	.....	32 0 0	.....
	Do	Do				.....	22 0 0	.....	
	Do	Do				.....	17 0 0	.....	
	Do	Do				.....	30 0 0	.....	
	Do	Do				.....	17 0 0	.....	
	Do	Do	1 0	1 0 0	Patrick Fallon	13 0 32	13 4 0
	Do	Do	1 0	1 0 0	Do	12 0 0	12 0 0

CROWN LANDS.

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Date.	Place.							Country.	Suburban.		
1861.											
Dec. 21	Yass	Yass	£ s.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
	Do	Do				1 0 0		10 0 0			
	Do	Do				1 0 0		11 0 0			
	Do	Do	1 0	1 0 0	Patterson Wilson	1 0 0	.....	22 0 0	....	22 0 0	
	Do	Do				1 0 0		9 3 12			
	Do	Do				1 0 0		6 2 27			
	Do	Do				1 0 0		10 0 0			
	Do	Do				1 0 0		11 0 0			
	Do	Do				1 0 0		7 2 32			
	Do	Do	1 0	1 0 0	Edward M'Anally	.....	.....	7 0 0	....	7 0 0	
	Do	Do	1 0	1 0 0	Samuel Wilson	.....	.....	18 3 5	....	18 16 0	
	Do	Do	1 0	1 0 0	Do	.....	.....	10 0 0	....	10 0 0	
	Do	Do				1 0 0		11 0 0			
	Do	Do				1 0 0		11 0 0			
	Do	Do	1 0	1 0 0	James Shea	.....	.....	10 0 0		10 0 0	
	Do	Do	1 0	1 0 0	Edward M'Anally	.....	.....	8 0 0	....	8 0 0	
	Do	Do	1 0	1 0 0	Denis Grant	.....	.....	32 0 0	....	32 0 0	
	Do	Do	1 0	1 0 0	Stephen Brown	.....	.....	24 3 0	....	24 15 0	
	Do	Do	1 0	1 0 0	George Smith	.....	.....	31 0 0	....	31 0 0	
	Do	Do	1 0	1 0 0	James Brown	.....	.....	43 0 0	....	43 0 0	
	Do	Do	1 0	1 0 0	Thomas Brown	.....	.....	21 2 0	....	21 10 0	
	Do	Do				1 0 0		31 3 0			
Dec. 23	Hartley	Hartley				1 0 0		40 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		100 0 0			
	Do	Do				1 0 0		50 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		50 0 0			
	Do	Do				1 0 0		41 2 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		30 0 0			
	Do	Do				1 0 0		30 0 0			
	Do	Do				1 0 0		52 0 0			
	Do	Do				1 0 0		50 0 0			
	Do	Do				1 0 0		55 0 0			
	Do	Do	1 0	1 0 0	George Dwyer Grant	.....	.....	40 0 0	....	40 0 0	
	Do	Do				1 0 0		42 0 0			
	Do	Do				1 0 0		41 0 0			
	Do	Do	1 0	1 0 0	Patrick M'Avany	.....	.....	42 2 0	....	42 10 0	
	Do	Do				1 0 0		36 2 0			
	Do	Do				1 0 0		33 3 0			
	Do	Do				1 0 0		30 0 0			
	Do	Do				1 0 0		33 0 0			
	Do	Do				1 0 0		48 0 0			
	Do	Do	1 0	1 0 0	George Dwyer Grant	.....	.....	30 0 0	....	30 0 0	
	Do	Do	1 0	1 0 0	John Grant, senior	.....	.....	35 0 0	....	35 0 0	
	Do	Do	1 0	1 0 0	Henry Moran	.....	.....	41 2 30	....	41 13 9	
	Maitland	Maitland				1 0 0		45 0 0			
	Do	Do				1 0 0		51 0 0			
	Do	Do				1 0 0		48 0 0			
	Do	Do				1 0 0		48 0 0			
	Do	Do				1 0 0		48 0 0			
	Do	Do				1 0 0		48 0 0			
	Do	Do				1 0 0		45 0 0			
	Do	Do				1 0 0		42 0 0			
	Do	Do				1 0 0		53 0 0			
	Do	Do				1 0 0		53 2 0			
	Do	Do				1 0 0		43 2 0			
	Do	Do				1 0 0		46 0 0			
	Do	Do				1 0 0		46 0 0			
	Do	Do				1 0 0		45 0 0			
	Do	Do				1 0 0		45 2 0			
	Do	Do				1 0 0		46 1 0			
	Do	Do				1 0 0		44 3 0			
	Do	Do	1 0	1 0 0	Ann Price	.....	.....	45 0 0	....	45 0 0	
	Do	Do	1 0	1 0 0	Do	.....	.....	44 0 0	....	44 0 0	
	Do	Do	1 0	1 0 0	John Nixon	.....	.....	43 0 0	....	43 0 0	
	Do	Do				1 0 0		43 0 0			
	Do	Do				1 0 0		44 1 0			
	Do	Do				1 0 0		41 0 0			
	Do	Do				1 0 0		87 0 0			
	Do	Do				1 0 0		102 0 0			
	Do	Do				1 0 0		17 2 13			
	Do	Do				1 0 0		40 1 0			
	Murrumbidgee	Murrumbidgee				1 0 0		35 0 0			
	Do	Do				1 0 0		32 0 0			
	Do	Do				1 0 0		44 0 0			
	Do	Do				2 10 0		10 0 0			
	Do	Do				1 0 0		27 0 0			
	Do	Do				2 10 0		8 3 11			
	Do	Do				1 0 0		27 2 0			
	Do	Do				1 0 0		31 0 0			
	Do	Do				2 10 0			6 0 12		
	Do	Do				3 0 0			5 0 0		
	Do	Do				3 0 0			5 0 0		

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Date.	Place.							Country.	Suburban.		
1861.			£ s. d.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
Dec. 23	Murrurundi	Murrurundi	3 0	3 0 0	Alexander Brodie	1 0 0	57 0 0	5 0 0	15 0 0	
	Tumbarumba	Albury				1 0 0		60 0 0			
	Do	Do				1 0 0		60 0 0			
	Do	Do				1 0 0		84 0 0			
	Do	Do				1 0 0		66 2 0			
	Do	Do				1 0 0		59 0 0			
	Do	Do				1 0 0		55 0 0			
	Do	Do				1 0 0		120 0 0			
	Do	Do				1 0 0		120 0 0			
	Do	Do				1 0 0		205 0 0			
	Do	Do				1 0 0		103 0 0			
	Do	Do				1 0 0		187 3 0			
	Do	Do	1 0	1 0 0	James Donoho	1 0 0	.....	90 3 0			
	Do	Do	1 0	1 0 0	Do	.....	.....	54 1 0	.....	54 5 0	
	Do	Do				1 0 0	.....	53 3 0	.....	53 15 0	
	Do	Do				1 0 0		57 2 0			
	Do	Do				1 0 0		63 3 0			
	Do	Do				1 0 0		93 0 0			
	Do	Do				1 0 0		102 0 0			
	Do	Do				1 0 0		63 3 0			
	Do	Do				1 0 0		57 3 0			
	Do	Do				1 0 0		51 0 0			
	Do	Do				1 0 0		87 1 0			
	Do	Do				1 0 0		62 2 0			
	Do	Do				1 0 0		146 0 0			
	Do	Do				1 0 0		76 0 0			
	Do	Do				1 0 0		209 0 0			
	Do	Do				1 0 0		85 0 0			
	Do	Do				1 0 0		77 1 0			
	Do	Do				1 0 0		132 3 0			
	Do	Do				1 0 0		69 0 0			
	Do	Do				1 0 0		79 0 0			
	Do	Do				1 0 0		98 2 0			
	Do	Do				1 0 0		143 2 0			
	Do	Do				1 0 0		119 0 0			
	Do	Do				1 0 0		92 2 0			
	Do	Do				1 0 0		80 0 0			
	Tumut	Tumut				1 0 0		307 1 0			
	Do	Do				1 0 0		241 1 0			
	Do	Do	1 0	1 0 0	William Riley	.....	.....	44 0 0			
	Do	Do	1 0	1 0 0	Do	.....	.....	45 0 0	.....	45 0 0	
	Do	Do				1 0 0		42 0 0	.....	42 0 0	
	Do	Do				1 0 0		22 1 32			
	Do	Do				1 0 0		28 2 17			
	Do	Do				1 0 0		63 0 0			
	Do	Do				1 0 0		67 0 0			
	Do	Do				1 0 0		65 0 0			
	Do	Do				1 0 0		107 0 0			
	Do	Do				1 0 0		93 0 0			
	Do	Do				1 0 0		69 0 0			
	Do	Do				1 0 0		62 0 0			
	Do	Do				1 0 0		67 0 0			
	Do	Do	1 0	1 0 0	Ronald Macdonald	.....	.....	76 0 0			
	Do	Do				1 0 0	Bridget Byrnes	70 3 0	.....	70 15 0	20 0 0
	Do	Do				1 0 0		53 1 0			
	Do	Do				1 0 0		43 3 0			
	Do	Do				1 0 0		42 0 0			
	Do	Do				1 0 0		45 0 0			
	Do	Do				1 0 0		208 0 0			
	Do	Do				1 0 0		240 0 0			
	Do	Do				1 0 0		197 0 0			
	Do	Do				1 0 0		163 0 0			
	Do	Do				1 0 0		137 2 0			
	Do	Do				1 0 0		112 0 0			
	Ulladulla	Shoalhaven	1 0	1 0 0	Andrew McLean	.....	.....	31 1 0	.....	31 5 0	
	Do	Do	1 0	1 0 0	William Robertson	.....	.....	67 2 0	.....	67 10 0	
	Do	Do				1 0 0		44 2 0			
	Do	Do				1 0 0		23 1 36			
	Do	Do				1 0 0		54 1 0			
	Do	Do				1 0 0		33 1 0			
	Do	Do				1 0 0		50 2 0			
	Do	Do				1 0 0		34 2 0			
	Do	Do				1 0 0		46 1 0			
	Do	Do				1 0 0		64 0 0			
	Do	Do				1 0 0		45 0 0			
	Do	Do				1 0 0		43 0 0			
	Do	Do				1 0 0		44 3 0			
	Do	Do				1 0 0		42 0 0			
	Do	Do				1 0 0		37 3 0			
	Do	Do				1 0 0		37 3 0			
	Do	Do				1 0 0		83 0 0			
	Do	Do				1 0 0		32 0 0			
	Do	Do				1 0 0		36 0 0			

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Date.	Place.							Country.	Suburban.		
			£ s.	£ s. d.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
1861.											
Dec. 23	Ulladulla	Shoalhaven									
	Do	Do				1 0 0		32 0 0			
	Do	Do				1 0 0		33 0 0			
	Do	Do				1 0 0		43 0 0			
	Do	Do				1 0 0		44 3 0			
	Do	Do				1 0 0		37 3 0			
	Do	Do				1 0 0		32 0 0			
	Do	Do				1 0 0		46 0 0			
	Do	Do				1 0 0		38 3 0			
	Do	Do				1 0 0		72 0 0			
	Do	Do				1 0 0		61 0 0			
	Do	Do				1 0 0		43 0 0			
	Do	Do				1 0 0		28 0 0		28 0 0	
Dec. 27	Cooma	Cooma	1 0	1 0 0	James Hain	2 10 0		13 0 0			
	Do	Do	2 10	2 10 0	James Hain	2 0 0		12 3 0		31 17 6	
	Do	Do	2 10	2 10 0	Hannah Hurst	2 10 0		18 0 0			
	Do	Do						5 0 0		12 10 0	
	Do	Do						5 1 20			
	Do	Do	1 0	1 0 0	Samuel Hain			21 0 0		21 0 0	
	Do	Do	1 0	1 0 0	Do			22 0 0		22 0 0	
	Do	Do				1 0 0		25 2 0			
	Do	Do	1 0	1 0 0	John Agnew			33 0 0		33 0 0	
	Do	Do	2 10	2 10 0	Charles Walters			9 1 0		23 2 6	
	Do	Do				1 0 0		68 0 0			
	Do	Do				1 0 0		130 0 0			
	Do	Do				1 0 0		29 2 0			
	Do	Do				2 0 0		17 1 0			
	Do	Do				2 10 0		9 1 10			
	Do	Do	1 0	1 0 0	John McManus			38 0 0		33 0 0	
	Do	Do	1 0	1 0 0	Do			30 0 0		30 0 0	
	Do	Do	1 0	1 0 0	Do			54 0 0		54 0 0	
	Do	Do	1 0	1 0 0	Do			48 0 0		48 0 0	
	Do	Do				1 0 0		44 1 0			
	Do	Do	1 0	1 0 0	Rev. Thomas Druitt			46 0 0		46 0 0	
	Do	Do				1 0 0		98 0 0			
	Do	Do	1 0	1 0 0	Peter Byrne			50 0 0		50 0 0	
	Do	Do				1 0 0		82 0 0			
	Do	Do				1 0 0		41 0 0			
	Do	Do				1 0 0		21 3 24			
	Do	Do				1 0 0		79 1 0			
	Do	Do				1 0 0	Wm. Bradley	81 0 0			20 5 0
	Do	Do				1 0 0	Do	88 0 0			22 0 0
	Do	Do				1 0 0		47 0 0			
	Do	Do				1 0 0		65 2 0			
	Do	Do				1 0 0		33 0 0			
	Do	Do	2 10	2 15 6	Thomas W. Druitt			5 1 0		14 11 5	
	Do	Do	1 0	1 15 0	Patrick Bartley			46 0 0		80 10 0	
	Do	Do				1 0 0	Wm. Bradley	118 0 0			36 2 9
	Do	Do				1 0 0	Do	76 0 0			27 1 6
	Mudgee	Mudgee	1 0	1 6 0	Hy. W. Bloomfield			40 0 0		52 0 0	
	Do	Do				1 0 0	Henry O'Brien	40 0 0			30 0 0
	Do	Do	1 0	1 18 0	Hy. W. Bloomfield			60 0 0		76 0 0	
	Do	Do	1 0	1 19 0	Do			30 0 0		58 10 0	
	Do	Do	1 0	2 7 0	Do			40 0 0		94 0 0	
	Do	Do	2 10	2 10 0	Patrick Hogan			5 0 0		12 10 0	
	Do	Do				1 0 0		19 2 0			
	Tenterfield	Tenterfield				1 0 0		18 0 0			
	Do	Do				1 0 0		20 1 18			
	Do	Do				1 0 0		20 1 16			
	Do	Do				1 0 0		22 0 0			
	Do	Do				1 0 0		22 0 0			
	Do	Do				1 0 0		48 0 0			
	Do	Do				1 0 0		48 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		44 0 0			
	Do	Do				1 0 0		44 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		40 0 0			
	Do	Do				1 0 0		44 0 0			
	Do	Do				1 0 0		45 0 0			
	Do	Do				1 0 0		44 0 0			
	Do	Do				1 0 0		42 0 0			
	Do	Do				1 0 0		50 2 0			
	Do	Do				1 0 0		62 1 0			

CROWN LANDS.

Date and Place at which the Auction was held.		District in which the Lands were situated.	Upset price per acre of Land sold.	Prices per acre realized in each case.	Names of Purchasers.	Upset price per acre of lot not bid for, or withdrawn from sale, or for which the purchase money was not deposited, or the deposit forfeited.	Names of Bidders.	Description of Land.		Amount realized.	Deposit forfeited.
Date.	Place.							Country.	Suburban.		
1861.	Dec. 30	Carcoar	£ s.	£ s. d.		t s. d.		a. r. p.	a. r. p.	£ s. d.	£ s. d.
		Do			Barnard Stimpson			40 0 0			
		Do			Do			61 0 0			
		Do			Do			43 0 0			
		Do			Do			44 0 0			
		Do			Do			44 0 0			
		Do			Do			44 0 0			
		Do			Do			45 2 0			
		Do			Do			41 2 0			
		Do			Do			44 0 0			
		Do			Do			46 0 0			
		Do	1 0	1 0 0	Do			50 0 0		50 0 0	
		Do	1 0	1 5 0	Do			47 0 0		58 15 0	
		Do	1 0	1 0 0	Do			48 0 0		48 0 0	
		Do						41 0 0			
		Do						43 0 0			
		Do						46 2 0			
		Do						42 0 0			
		Do						40 0 0			
		Do						49 0 0			
		Do						68 0 0			
		Do						56 0 0			
		Do						40 0 0			
		Do						42 2 0			
		Do						40 0 0			
		Do	1 0	1 1 0	Timothy Dempsey			50 0 0		52 10 0	
		Do						42 1 0			
		Do						42 0 0			
		Do						68 3 0			
		Do						53 3 0			
		Do						42 1 0			
		Do						44 3 0			
		Do	1 0	1 0 0	Willmot James Pitman			40 0 0		40 0 0	
		Eden				1 0 0		63 0 0			
		Do				1 0 0		162 0 0			
		Do				1 0 0		126 0 0			
		Do				1 0 0		151 3 0			
		Do				1 0 0		163 0 0			
		Do				1 0 0		128 0 0			
		Do	4 0	4 0 0	John Lloyd			1 3 10		7 5 0	
		Do				1 0 0	Peter Enkstell	50 0 0			12 10 0
		Do				1 0 0		33 2 0			
		Do				1 0 0		50 2 32			
		Gunnedah	1 0	1 9 0	Abraham Johnstone			37 0 0		53 13 0	
		Do	1 0	1 0 0	Do			95 0 0		35 0 0	
		Do	1 0	1 10 0	Do			28 0 0		42 0 0	
		Do	1 0	1 6 0	T. G. G. Dangar			20 0 0		26 0 0	
		Do	2 10	2 10 0	William Gosper			5 2 8		13 17 8	
		Do				2 10 0		6 1 3			
		Do				2 10 0		8 2 30			
		Do				2 10 0		10 0 0			
		Do				2 10 0		15 0 0			
		Do				2 10 0		14 0 0			
		Do	2 0	2 10 0	Abraham Johnstone			15 0 0		37 10 0	
		Do				2 10 0		8 2 6			
		Do				2 10 0		12 2 0			
		Do				2 10 0		6 2 12			
		Molong				2 10 0		14 3 23			
		Do				2 10 0		12 3 0			
		Do				2 10 0		13 2 27			
		Do				2 10 0		14 2 29			
		Do				2 0 0		15 1 3			
		Do				1 0 0		20 1 17			
		Do				1 0 0		32 1 31			
		Do				1 0 0		33 0 25			
		Do				1 0 0		32 1 15			
		Do				1 0 0		29 3 33			
		Do				1 0 0		26 1 16			
		Do				1 0 0		20 3 20			
		Narrabri				1 0 0		25 0 25			
		Do				1 0 0		38 0 0			
		Do				1 0 0		27 1 0			
		Do				1 0 0		33 0 0			
		Do				1 0 0		35 0 0			
		Do				1 0 0		42 0 0			
		Do				1 0 0		32 0 0			
		Do				1 0 0		32 0 0			
		Do	1 0	1 0 0	Patrick Quinn			35 0 0		35 0 0	
		Do	1 0	1 0 0	Do			36 0 0		36 0 0	
		Do	1 0	1 0 0	Do			35 0 0		35 0 0	
		Do	1 0	1 0 0	Do			36 0 0		36 0 0	
		Do	1 0	1 0 0	Do			46 0 0		46 0 0	
		Do	1 0	1 0 0	Do			49 0 0		49 0 0	
		Do	1 0	1 0 0	Do			38 0 0		38 0 0	
		Do	1 0	1 0 0	Do			36 0 0		36 0 0	

CROWN LANDS.

Date and Place at which the Auction was held.		District in which the Lands were situated.	Upset price per acre of Land sold.	Prices per acre realized in each case.	Names of Purchasers.	Names of Bidders.	Description of Land.		Amount realized.	Deposit forfeited.
Date.	Place.						Country.	Suburban.		
1861.										
Dec. 30	Wingham..	Manning River..	£ s. d.	£ s. d.			a. r. p.	a. r. p.	£ s. d.	£ s. d.
	Do ..	Do ..	3 0	3 0 0	Alexr. Lobban and others	.....	.....	4 2 38	14 4 3	
	Do ..	Do ..	3 0	3 0 0	Thomas Lobban	.....	.....	3 2 4	10 11 6	
	Do ..	Do ..	4 0	4 0 0	Isabella Lobban ..	.....	.....	1 3 31	7 15 6	
	Do ..	Do ..						1 1 11		
	Do ..	Do ..						1 0 9		
	Do ..	Do ..						8 3 3		
	Armidale ..	Armidale ..						12 2 0		
	Do ..	Do ..						12 2 0		
	Do ..	Do ..						10 0 1		
	Do ..	Do ..						13 2 0		
	Do ..	Do ..						39 0 0		
	Do ..	Do ..						19 0 0		
	Do ..	Do ..						14 2 0		
	Do ..	Do ..						6 0 0		
	Do ..	Do ..						81 0 0		
	Do ..	Do ..	1 0	1 6 0	Henry Holloway	.....	.....	81 1 0		
	Do ..	Do ..	1 0	1 5 0	Alfred Oliver ..	.....	.....	81 1 0	105 12 6	
	Do ..	Do ..						81 1 0	101 11 3	
	Do ..	Do ..						81 1 0		
	Do ..	Do ..	1 0	1 0 0	A. C. Palmer ..	.....	.....	112 2 0		
	Do ..	Do ..	1 0	1 0 0	Do ..	.....	.....	112 2 0	112 10 0	
Dec. 31	Bombala ..	Bombala ..						112 2 0	112 10 0	
	Do ..	Do ..						95 1 0		
	Do ..	Do ..						52 2 0		
	Do ..	Do ..						60 0 0		
	Do ..	Do ..						71 0 0		
	Do ..	Do ..						2 10 0		
	Do ..	Do ..						14 3 24		
	Do ..	Do ..	1 0	1 0 0	Thomas Moring	.....	.....	7 1 25		
	Do ..	Do ..						48 1 0		
	Do ..	Do ..						38 0 0	48 5 0	
	Do ..	Do ..						38 0 0		
	Do ..	Do ..						38 0 0		
	Do ..	Do ..						85 0 0		
	Do ..	Do ..						50 0 0		
	Do ..	Do ..						63 0 0		
	Do ..	Do ..						54 2 0		
	Do ..	Do ..						44 2 0		
	Do ..	Do ..						42 0 0		
	Do ..	Do ..						42 0 0		
	Do ..	Do ..						42 3 0		
	Do ..	Do ..						80 0 0		
	Do ..	Do ..						72 0 0		
	Do ..	Do ..	1 0	1 0 0	John Matthews ..	.....	.....	55 3 0		
	Do ..	Do ..	1 0	1 0 0	W. J. Pittman ..	.....	.....	52 0 0	55 15 0	
	Do ..	Do ..						35 3 0	52 0 0	
	Do ..	Do ..						42 0 0		
	Do ..	Do ..						83 0 0		
	Do ..	Do ..						54 0 0		
	Do ..	Do ..						56 3 0		
	Do ..	Do ..	1 0	1 0 0	John Matthews ..	.....	.....	57 0 0		
	Do ..	Do ..						52 0 0	57 0 0	
	Do ..	Do ..						51 3 0		
	Do ..	Do ..						48 0 0		
	Do ..	Do ..						50 2 0		
	Do ..	Do ..						52 2 0		
	Do ..	Do ..						42 2 0		
	Do ..	Do ..						50 0 0		
	Do ..	Do ..						76 0 0		
	Do ..	Do ..						63 0 0		
	Do ..	Do ..	1 0	1 0 0	Andrew Clements	.....	.....	69 0 0	69 0 0	
	Do ..	Do ..	1 0	1 0 0	Willmott J. Pittman	.....	.....	45 0 0	45 0 0	
	Do ..	Do ..	1 0	1 0 0	Michael Maloney	.....	.....	41 0 0	41 0 0	
	Do ..	Do ..						42 0 0		
	Do ..	Do ..						48 0 0		
	Do ..	Do ..						46 0 0		
	Do ..	Do ..						66 0 0		
	Do ..	Do ..	1 0	1 0 0	John Micklegun..	.....	.....	51 0 0	51 0 0	
	Do ..	Do ..						54 0 0		
	Do ..	Do ..						57 0 0		
	Do ..	Do ..						59 0 0		
	Do ..	Do ..						40 0 0		
	Do ..	Do ..						43 0 0		
	Do ..	Do ..	1 0	1 0 0	Patrick Flynn ..	.....	.....	42 2 0	42 10 0	
	Do ..	Do ..						42 0 0		
	Do ..	Do ..						44 0 0		
	Do ..	Do ..						66 0 0		
	Do ..	Do ..						45 1 0		
	Do ..	Do ..						66 0 0		
	Do ..	Do ..						41 3 0		
	Do ..	Do ..						45 0 0		
	Do ..	Do ..						65 2 0		
	Do ..	Do ..						40 2 0		
	Do ..	Do ..						77 0 0		
	Do ..	Do ..						61 0 0		
	Do ..	Do ..						52 0 0		
	Casino ..	Richmond River	1 0	1 0 0	Henry O. B. Wilson	.....	.....	90 3 0	90 15 0	
	Do ..	Do ..						85 3 0		

CROWN LANDS.

Date and Place at which the Auction was held.		District in which the Lands were situated.	Upset price per acre of Land sold.	Prices per acre realized in each case.	Names of Purchasers.	Names of Bidders.	Description of Land.		Amount realized.	Deposit forfeited.
Date.	Place.						Country.	Suburban.		
1861.										
Dec. 31	Tuena	Carcoar	£ s.	£ s. d.		£ s. d.	a. r. p.	a. r. p.	£ s. d.	£ s. d.
	Wellington.	Wellington.	1 0	1 0 0	Thomas Arkell Smith ..	.....	28 0 0	....	28 0 0	
	Do	Do	1 0	1 0 0	John Roche ..	.....	31 0 0	....	30 0 0	
	Do	Do	1 0	1 0 0	Robert Smith ..	.....	29 0 0	....	29 0 0	
	Do	Do	1 0	1 0 0	Richard Glasson ..	.....	45 0 0	....	96 0 0	
	Do	Do	1 0	1 0 0	Robert Smith ..	.....	50 0 0	....	50 0 0	
	Do	Do	1 0	1 0 0		.....	80 0 0			
	Do	Do	1 0	1 0 0		.....	80 0 0			
	Do	Do	1 0	1 0 0		.....	40 0 0			
	Do	Do	1 0	1 0 0		.....	80 0 0			
	Do	Do	1 0	1 0 0		.....	30 0 0			
	Do	Do	1 0	1 0 0	Robert Smith ..	.....	30 0 0			
	Do	Do	1 0	1 0 0	Do ..	.....	28 0 0			
	Do	Do	1 0	1 0 0	Richard Glasson ..	.....	33 0 0			
	Do	Do	1 0	1 0 0	Robert Smith ..	.....	44 0 0			
	Do	Do	1 0	1 0 0	Do ..	.....	58 0 0	....	58 0 0	
	Do	Do	1 0	1 4 0	Bryan Vecch ..	.....	58 0 0	....	98 8 0	
	Do	Do	1 0	1 0 0		.....	82 0 0	....	
	Yass	Yass	1 0	3 0 0	Maurice Moore ..	.....	37 0 0	....	
	Do	Do	1 0	1 0 0	Andrew M'Cann ..	.....	40 0 0	....	120 0 0	
	Do	Do	1 0	1 0 0		.....	60 0 0	....	60 0 0	
	Do	Do	1 0	1 0 0	Clara Hardy ..	.....	31 2 0	....		11 16 3
	Do	Do	1 0	1 11 0	Michael White ..	.....	34 0 0	....	34 0 0	
	Do	Do	1 0	1 0 0	Clara Hardy ..	.....	30 0 0	....	46 10 0	
	Do	Do	1 0	1 7 0	Do ..	.....	57 0 0	....	57 0 0	
	Do	Do	1 0	1 7 0	Do ..	.....	81 3 0	....	110 7 3	
	Do	Do	1 0	1 5 0	Do ..	.....	42 0 0	....	56 14 0	
	Do	Do	1 0	1 0 0	David Robertson ..	.....	30 0 0	....	37 10 0	
	Do	Do	1 0	1 0 0	Hamilton Hume ..	.....	38 0 0	....	38 0 0	
	Do	Do	1 0	1 0 0	Do ..	.....	30 0 0	....	30 0 0	
	Do	Do	1 0	1 0 0		.....	33 0 0	....	33 0 0	
	Do	Do	1 0	1 0 0	William Offley ..	.....	48 0 0	....	
	Do	Do	1 0	1 0 0		.....	30 0 0	....	30 0 0	
	Do	Do	1 0	1 0 0		.....	25 2 0	....	
	Do	Do	1 0	1 0 0	John Bush ..	.....	40 0 0	....	
	Do	Do	1 0	1 0 0		.....	34 0 0	....	34 0 0	
	Do	Do	1 0	1 0 0		.....	32 1 0	....	
	Do	Do	1 0	1 0 0	Robert Dowling ..	.....	40 0 0	....	40 0 0	
	Do	Do	1 0	1 0 0	Do ..	.....	44 0 0	....	44 0 0	
	Do	Do	1 0	1 0 0		.....	50 0 0	....	

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CROWN LANDS.

(STATISTICS RESPECTING.)

Ordered by the Legislative Assembly to be Printed, 16 December, 1862.

FURTHER RETURN (in continuation) to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 9 September, 1862, That there be laid upon the Table of this House,—

“(1.) A Return of all Crown Lands, exclusive of town allotments, put up for sale by auction in quantities not exceeding 320 acres, from the 1st day of January, 1860, to the 31st day of December, 1861, inclusive, shewing the dates and places at which the several auctions were held, the districts in which the said lands were situated, the upset price of the lots sold, and the prices realized in each case, together with the names of the purchasers; also, the upset price of the lots not bid for or otherwise withdrawn from sale, or upon which the purchase money was not made good, or the deposit forfeited; together with the names of the bidders (if any) in each instance, and distinguishing, in all cases, country lands from suburban.

“(2.) A Return of all Crown Lands measured under the authority of the Government, in quantities not exceeding 320 acres, from the 1st day of January, 1862, to the 30th day of June last, with the view of being set up for sale by auction, specifying the districts in which the lands so measured are situated, the number of acres, and the upset price of each lot, with the names of the parties on whose applications the said lands were put up for sale by auction, and distinguishing, in like manner, country lands from suburban.

“(3.) A Return of all Crown Lands measured during the same period, namely, from the 1st day of January, 1862, to the 30th of June last, inclusive, by Government or licensed surveyors, on the application of, or on behalf of, conditional purchasers, or which is intended to be left open to conditional purchase under the 13th clause of the Crown Lands Alienation Act, and of which Returns may have reached the Surveyor General’s Office up to the date of compiling this Return.”

(Mr. Harpur.)

CROWN LANDS.

A RETURN of all Crown Lands measured under the authority of the Government, in quantities not exceeding 320 acres, from the 1st day of January, 1862, to the 30th day of June last, with the view of being set up for sale by auction, specifying the Districts in which the lands so measured are situated, the number of acres and the upset price of each lot, with the names of the parties on whose applications the said lands were put up for sale by auction, and distinguishing in like manner country lands from suburban.

[NOTE.—The whole of the *Country* portions in this Return, from 40 acres upwards, not especially excepted by position, were open to conditional purchase up to the *last* Land Office day prior to their sale by auction. This remark is made, to indicate what lands, measured during the period specified, were left open to conditional purchase under the 13th clause of the Crown Lands Alienation Act, required as part of the third Return of Crown Land Statistics for Mr. Harpur.]

Date of Sale by Auction.	Place of Sale, and Districts in which the Lands so measured are situated.	Upset price per acre.	Names of the Applicants.	Quantities and description of the Land.		Upset price of each lot.	
				Country.	Suburban.		
1862.		£ s. d.		a. r. p.	a. r. p.	£ s. d.	
Jan. 3	Murrurundi, District of Murrurundi ..	1 0 0	G. Armstrong, of Scone	44 0 0	.....	44 0 0
	Do ..	1 0 0		46 0 0	.....	46 0 0
	Do ..	1 0 0		38 0 0	.....	38 0 0
	Do ..	1 0 0		45 0 0	.....	45 0 0
	Do ..	1 0 0		40 0 0	.....	40 0 0
	Do ..	1 0 0		127 0 0	.....	127 0 0
	Do ..	1 0 0		52 0 0	.....	52 0 0
	Do ..	1 0 0		94 0 0	.....	94 0 0
	Do ..	1 0 0		114 0 0	.....	114 0 0
	Do ..	1 0 0		50 0 0	.....	50 0 0
	Do ..	1 0 0		82 0 0	.....	82 0 0
	Do ..	1 0 0		54 0 0	.....	54 0 0
	Do ..	1 0 0		121 0 0	.....	121 0 0
	Do ..	1 0 0		J. F. and G. White, of Beltrees ..	145 0 0	145 0 0
	Do ..	1 0 0			97 0 0	97 0 0
	Do ..	1 0 0			32 0 0	32 0 0
	Do ..	1 0 0			74 0 0	74 0 0
	Do ..	1 0 0			34 0 0	34 0 0
	Do ..	1 0 0			78 0 0	78 0 0
	Do ..	1 0 0			108 0 0	108 0 0
	Do ..	1 0 0	83 0 0		.....	83 0 0
	Do ..	1 0 0	81 0 0		.....	81 0 0
	Do ..	1 0 0	75 0 0		.....	75 0 0
	Scone, District of Scone ..	1 0 0	R. and W. Carter ..	188 2 0	.....	188 10 0
	Do ..	1 0 0		40 0 0	.....	40 0 0
	Do ..	1 0 0	J. T. and G. White, of Beltrees ..	153 0 0	.....	153 0 0
	Do ..	1 0 0		60 0 0	.....	60 0 0
	Do ..	1 0 0		74 0 0	.....	74 0 0
	Do ..	1 0 0		51 0 0	.....	51 0 0
	Do ..	1 0 0		61 0 0	.....	61 0 0
	Do ..	1 0 0		50 0 0	.....	50 0 0
	Do ..	1 0 0		77 0 0	.....	77 0 0
	Do ..	1 0 0		50 0 0	.....	50 0 0
Feb. 7	Gundagai, District of Gundagai ..	1 0 0	W. Hodgson ..	56 0 0	.....	56 0 0
	Do ..	1 0 0		33 0 0	.....	33 0 0
	Do ..	1 0 0	The Crown ..	67 0 0	.....	67 0 0
	Do ..	1 0 0		41 0 0	.....	41 0 0
	Do ..	1 0 0		81 0 0	.....	81 0 0
	Do ..	1 0 0		81 0 0	.....	81 0 0
	Do ..	1 0 0		60 0 0	.....	60 0 0
	Do ..	1 0 0		53 0 0	.....	53 0 0
	Do ..	1 0 0		44 0 16	.....	44 2 0
	Do ..	1 0 0		42 0 0	.....	42 0 0
	Do ..	1 0 0		40 0 0	.....	40 0 0
	Do ..	1 0 0		42 0 0	.....	42 0 0
	Do ..	1 0 0		53 0 0	.....	53 0 0
	Do ..	1 0 0		62 0 0	.....	62 0 0
	Do ..	1 0 0		32 0 0	.....	32 0 0
	Do ..	1 0 0		54 0 0	.....	54 0 0
	Do ..	1 0 0		48 0 0	.....	48 0 0
	Do ..	1 0 0		34 0 0	.....	34 0 0
	Do ..	1 0 0		63 0 0	.....	63 0 0
	Do ..	1 0 0		80 0 0	.....	80 0 0
	Do ..	1 0 0		51 0 0	.....	51 0 0
	Do ..	1 0 0		80 0 0	.....	80 0 0
	Do ..	1 0 0	90 0 0	.....	90 0 0	
	Do ..	1 0 0	95 0 0	.....	95 0 0	
	Do ..	1 0 0	63 0 0	.....	63 0 0	
	Do ..	1 0 0	64 0 0	.....	64 0 0	
	Do ..	1 0 0	72 0 0	.....	72 0 0	
	Do ..	1 0 0	90 0 0	.....	90 0 0	
	Do ..	1 0 0	95 0 0	.....	95 0 0	
Mar. 1	Tabulam, District of Richmond River.	1 0 0	E. D. Ogilvie ..	68 0 0	.....	68 0 0
	Do ..	1 0 0		69 0 0	.....	69 0 0
	Do ..	1 0 0		87 0 0	.....	87 0 0
	Do ..	1 0 0		68 0 0	.....	68 0 0

CROWN LANDS.

Date of Sale by Auction.	Place of Sale, and Districts in which the Lands so measured are situated.	Upset price per acre.	Names of the Applicants.	Quantities and description of the land.		Upset price of each lot.
				Country.	Suburban.	
1862.		£ s. d.		a. r. p.	a. r. p.	£ s. d.
Mar. 22	Ulladulla, District of Shoalhaven ..	3 0 0	The Warden & others	.....	2 2 0	7 10 0
	Do ..	3 0 0		.....	2 2 0	7 10 0
	Do ..	3 0 0		.....	2 2 0	7 10 0
	Do ..	3 0 0		.....	2 2 0	7 10 0
	Do ..	3 0 0		.....	2 2 0	7 10 0
	Do ..	3 0 0		.....	2 2 0	7 10 0
	Do ..	3 0 0		.....	2 2 0	7 10 0
	Do ..	3 0 0		.....	3 3 24	11 14 0
	Do ..	3 0 0		.....	3 3 24	11 14 0
	Do ..	2 10 0		.....	5 0 0	12 10 0
	Do ..	2 10 0		.....	5 0 0	12 10 0
	Do ..	3 0 0		.....	3 3 24	11 14 0
	Do ..	3 0 0		.....	3 3 24	11 14 0
	Do ..	2 10 0		.....	5 0 0	12 10 0
	Do ..	2 10 0		.....	5 0 0	12 10 0
May 16	Wollombi, District of Wollombi	4 0 0	The Crown .. ..	.....	1 1 0	5 0 0
	Do ..	4 0 0		.....	1 1 0	5 0 0
	Do ..	4 0 0		.....	1 1 0	5 0 0
	Do ..	4 0 0		.....	1 1 0	5 0 0
	Do ..	4 0 0		.....	1 1 0	5 0 0
	Do ..	4 0 0		.....	1 1 0	5 0 0
	Do ..	4 0 0		.....	1 1 0	5 0 0
	Do ..	4 0 0		.....	1 1 0	5 0 0
	Do ..	4 0 0		.....	1 1 0	5 0 0
	Do ..	4 0 0		.....	1 1 0	5 0 0
	Do ..	4 0 0		.....	1 1 0	5 0 0
	Do ..	4 0 0		.....	1 1 0	5 0 0
	Do ..	4 0 0		.....	1 1 0	5 0 0
	Do ..	4 0 0		.....	1 1 0	5 0 0
May 17	Muscle Brook, District of Muscle Brook	4 0 0		D. McIntyre, J. Smith, and others	1 1 0	5 0 0
	Do ..	4 0 0	.....		1 1 0	5 0 0
	Do ..	4 0 0	.....		1 1 0	5 0 0
	Do ..	4 0 0	.....		1 1 0	5 0 0
	Do ..	4 0 0	.....		1 1 0	5 0 0
	Queanbeyan, District of Queanbeyan ..	1 0 0	T. Lindsay	41 0 0	.....	41 0 0
	Do ..	1 0 0		47 0 0	.....	47 0 0
	Do ..	1 0 0		52 0 0	.....	52 0 0
	Do ..	1 0 0		100 0 0	.....	100 0 0
	Do ..	1 0 0		160 0 0	.....	160 0 0
	Do ..	3 0 0		H. Lever	4 3 28	14 15 6
	Do ..	3 0 0		.....	2 0 27	6 10 1
	Do ..	4 0 0		.....	1 3 27	6 0 2
	Do ..	4 0 0		.....	1 3 35	6 4 2
	Do ..	3 0 0		J. Wishart and others	2 0 31	6 11 7
	Do ..	4 0 0	.....	1 1 0	5 0 0	
	Do ..	4 0 0	.....	1 1 0	5 0 0	
	Do ..	4 0 0	.....	1 1 0	5 0 0	
	Do ..	4 0 0	.....	1 1 0	5 0 0	
May 28	Tamworth, District of Tamworth	2 0 0	The Crown	17 0 23	.....	34 5 9
	Do ..	2 0 0		15 1 23	.....	30 15 9
	Do ..	2 10 0		14 1 2	.....	35 13 1
	Do ..	2 0 0		19 1 37	.....	38 19 2
	Do ..	2 0 0		18 3 82	.....	37 17 6
	Do ..	2 0 0		18 1 38	.....	36 13 11
	Do ..	4 0 0		.....	1 0 0	4 0 0
	Do ..	4 0 0		.....	1 0 0	4 0 0
	Do ..	2 10 0		.....	5 3 20	15 1 3
	Do ..	2 10 0		.....	7 0 0	17 10 0
June 19	Glen Innes, District of Wellingrove	2 10 0	John Ross & S. Regan	.....	7 0 0	17 10 0
	Do ..	2 10 0		.....	7 0 0	17 10 0
	Do ..	2 10 0		.....	5 2 0	13 15 0
	Do ..	2 10 0		.....	5 2 0	13 15 0
	Do ..	3 0 0		.....	5 0 0	15 0 0
	Do ..	3 0 0		.....	5 0 0	15 0 0
	Do ..	3 0 0		.....	5 0 0	15 0 0
	Do ..	3 0 0		.....	5 0 0	15 0 0
	Do ..	3 0 0		.....	5 0 0	15 0 0
	Do ..	3 0 0		.....	4 0 0	12 0 0
	Do ..	2 10 0		.....	6 0 0	15 0 0
	Do ..	3 0 0		.....	5 0 0	15 0 0
	Do ..	3 0 0		T. M. Machattie ..	5 0 0	15 0 0
	Do ..	3 0 0		.....	4 0 0	12 0 0
	Do ..	2 10 0		.....	6 0 0	15 0 0
	Do ..	3 0 0	.....	3 0 0	9 0 0	
	Do ..	3 0 0	.....	3 0 0	9 0 0	
	Do ..	3 0 0	.....	3 0 0	9 0 0	
	Do ..	2 10 0	.....	6 0 0	15 0 0	
	Do ..	3 0 0	.....	3 0 0	9 0 0	
	Do ..	3 0 0	.....	4 0 0	12 0 0	
	Do ..	3 0 0	.....	4 0 0	12 0 0	
	Do ..	2 10 0	.....	8 0 0	20 0 0	
	Do ..	3 0 0	The Crown	3 2 0	10 10 0	
	Do ..	3 0 0	.....	3 2 0	10 10 0	

CROWN LANDS.

Date of Sale by Auction.	Place of Sale, and Districts in which the Lands so measured are situated.	Upset price per acre.	Names of the Applicants.	Quantities and description of the land.		Upset price of each lot.	
				Country.	Suburban.		
		£ s. d.		a. r. p.	a. r. p.	£ s. d.	
1862.							
June 21	Deniliquin, District of Deniliquin	3 0 0		.....	1 2 0	4 10 0
	Do	3 0 0		.....	2 2 16	7 16 0
	Do	3 0 0		.....	3 0 32	9 12 0
	Do	3 0 0		.....	3 0 32	9 12 0
	Do	3 0 0		.....	3 0 32	9 12 0
	Do	3 0 0		.....	3 2 31	10 17 10
	Do	3 0 0		.....	2 0 19	6 7 1
	Do	3 0 0		.....	2 2 10	7 13 9
	Do	3 0 0		.....	1 2 27	6 10 1
	Do	3 0 0		.....	1 1 35	4 12 6
	Do	3 0 0		.....	1 1 4	3 16 6
	Do	3 0 0		.....	1 0 13	3 4 10
June 25	Warialda, District of Warialda	2 10 0		The Crown	6 0 0	15 0 0
	Do	2 10 0			6 0 16	15 5 0
	Do	2 0 0	.....		15 0 0	30 0 0
	Do	2 10 0	.....		6 0 16	15 5 0
	Do	2 10 0	.....		6 0 0	15 0 0
	Do	2 10 0	.....		12 0 16	30 5 0
	Do	2 10 0	.....		12 0 16	30 5 0
	Do	2 10 0	.....		12 0 0	30 0 0
	Do	2 10 0	.....		12 0 0	30 0 0
	Do	2 10 0	.....		12 0 0	30 0 0
	Do	3 0 0	.....		2 0 0	6 0 0
	Do	3 0 0	.....		2 0 0	6 0 0
	Do	3 0 0	.....		2 0 0	6 0 0
	Do	3 0 0	.....		2 0 0	6 0 0
June 28	Newcastle, District of Newcastle	2 0 0		188 0 0	.....	376 0 0
	Do	2 0 0		.....	189 0 0	378 0 0
	Do	2 0 0		.....	181 0 0	362 0 0
	Do	2 0 0		.....	273 0 0	546 0 0
	Do	2 0 0		.....	102 0 0	204 0 0
	Do	2 0 0		.....	122 0 0	244 0 0
	Do	2 0 0		.....	178 0 0	356 0 0
	Do	2 0 0		.....	142 0 0	284 0 0
	Do	2 0 0		.....	153 0 0	306 0 0
	Do	2 0 0		.....	140 0 0	280 0 0
	Do	2 0 0		.....	187 0 0	374 0 0
	Do	2 0 0		.....	187 0 0	374 0 0
	Do	2 0 0		.....	192 0 0	384 0 0
June 30	Nundle, District of Tamworth	1 0 0		Dr. Jenkins ..	71 3 0	71 15 0
	Do	1 0 0	.....		41 0 0	41 0 0
	Do	1 0 0	The Inhabitants of Nundle, by Gold Commissioner Douglas ..	25 2 0	.....	25 10 0
	Do	1 0 0		.....	10 0 0	10 0 0
	Do	1 0 0		.....	24 3 0	24 15 0
	Do	1 0 0		.....	33 0 0	33 0 0
	Do	1 0 0		.....	16 2 0	16 10 0
	Do	1 0 0		.....	60 0 0	60 0 0
	Do	1 0 0		.....	41 0 0	41 0 0
	Do	1 0 0		.....	33 0 0	33 0 0
	Do	1 0 0		.....	42 0 0	42 0 0
	Do	1 0 0		.....	111 0 0	111 0 0
	Do	1 0 0		.....	99 0 0	99 0 0
	Do	1 0 0		.....	20 0 0	20 0 0
	Do	1 0 0		.....	59 0 0	59 0 0
	Do	1 0 0		.....	32 0 0	32 0 0
	Do	1 0 0	The Inhabitants of Nundle, by Land Agent at Nundle ..	45 0 0	.....	45 0 0
	Do	1 0 0		.....	27 0 0	27 0 0
	Do	1 0 0		.....	41 0 0	41 0 0
	Do	1 0 0		.....	66 0 0	66 0 0
	Do	1 0 0	The Crown ..	.....	2 1 16	7 1 0
	Do	3 0 0		.....	.....	6 4 2
	Do	4 0 0	.....	.....	.....

Surveyor General's Office,
Sydney, 13 December, 1862.

A RETURN of all Crown Lands measured from the 1st day of January, 1862, to the 30th day of June, 1862, inclusive, by Government or Licensed Surveyors, on the application of, or on behalf of conditional Purchasers, or which is intended to be left open to conditional purchase under the 13th Clause of the Crown Lands Alienation Act.

BY WHOM MEASURED.	NUMBER OF ACRES.			DISTRICTS.
	a.	r.	p.	
<i>Surveyors—</i>				
Bransby	3,476	2	0	Eden and part of Bronlee.
Evans	1,370	0	0	Bombala and part of Cooma.
<i>Licensed Surveyors—</i>				
Armstrong	1,050	0	0	Part of Yass, Binalong, and Carcoar.
Arthur	50	0	0	Part of Carcoar and Bathurst.
Campbell	954	0	22	Berrima and Camden, Narellan and Picton.
Charlton	1,610	0	0	Part of Hartley.
Donaldson	5,936	2	0	Grafton.
Hall	120	0	0	Port Stephens and part of Manning River.
Maitland	1,110	0	0	Paterson, Dungog, Raymond Terrace, Newcastle, and Maitland.
Neill	1,351	0	0	Muscle Brook, Merton, Scone, part of Murrurundi, and Patrick's Plains.
Price	860	0	0	Rylstone, Cassilis, Mudgee, and part of Wellington.
Pitt	90	0	0	Penrith, Windsor, and part of Macdonald River.
Rogers	610	0	0	Wollombi, part of Macdonald River, and part of Patrick's Plains.
Roberts	150	0	0	Brisbane Water.
Simpson, W. B.	2,732	2	0	Orange and part of Wellington.
Taylor, John	1,047	2	2	Kiama and part of Shoalhaven.
TOTAL	22,518	0	24	

Surveyor General's Office,
Sydney, 12 December, 1862.

CONDITIONAL PURCHASERS' MEASUREMENTS received from 1st July to 10th Dec., 1862.

BY WHOM MEASURED.	NO. OF PORTIONS.	NO. OF ACRES.		
		a.	r.	p.
Licensed Surveyor Armstrong	53	4,476	0	0
" Arnheim	73	5,073	1	18
" Arthur	37	2,121	0	0
Surveyor Bransby	54	6,598	2	0
Licensed Surveyor Berry	8	1,700	0	0
" Campbell	69	8,077	1	8
" Charlton	8	160	0	0
" Deering	9	860	0	0
" Donaldson	18	1,178	0	0
" Edwards	21	3,090	0	0
Surveyor Evans	34	3,580	0	0
" Flide	16	1,830	0	14
District Surveyor Gordon	19	1,080	2	1
Surveyor Greaves	11	887	0	0
Licensed Surveyor Herborne	27	2,242	0	0
" Hall	20	1,087	0	0
" Hungerford	15	1,664	0	0
" Jenkins	2	640	0	0
" Larmer	10	439	2	0
" John F. Mann	19	1,954	0	0
" Maitland	43	3,601	0	0
" Neill	16	830	0	0
Surveyor Oliver	6	341	0	0
Licensed Surveyor Price	92	4,867	1	8
" Pitt	3	160	0	0
" Pechey	8	634	1	0
" Ralfe	8	417	0	0
" Rogers	31	2,315	2	22
" Sanderson	24	2,782	0	0
" W. B. Simpson	28	1,951	2	0
" Thompson	50	4,121	0	0
Surveyor Twynan	1	120	0	0
" Woolrych	29	3,191	0	0
	858	74,109	3	31

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CROWN LANDS.

(FORFEITED FOR NON-RESIDENCE.)

Ordered by the Legislative Assembly to be Printed, 18 December, 1862.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 2 September, 1862, That there be laid upon the Table of this House,—

- “ A Return of all Lands forfeited for Non-residence, under
 “ the Crown Lands Alienation Act, No. 1, section 13, from
 “ 1st January to 31st July, shewing in each case,—
 “ (1.) The particulars of the land so forfeited.
 “ (2.) The amount of deposit money.
 “ (3.) The amount of money forfeited.
 “ (4.) The name of the person whose deposits have been
 “ forfeited.
 “ (5.) The name of the person (if any) to whom such
 “ deposits have been returned.”

(*Mr. Dangar.*)

CROWN LANDS.

A RETURN of all Lands forfeited for Non-residence, under the Crown Lands Alienation Act, No. 1, section 13, from 1st January to 31st July, 1862, shewing in each case:—
The particulars of the land so forfeited; the amount of deposit money; the amount of money forfeited; the name of the person whose deposits have been forfeited; and the name of the person (if any) to whom such deposits have been returned.

Particulars of Land forfeited.	Amount of Deposit Money.	Amount of Money forfeited.	Name of Person by whom deposit was forfeited.	Name of Person to whom deposit was returned.
Acres.	£ s. d.	£ s. d.		
40	10 0 0	10 0 0	J. Savery Rodd	} No such deposit returned.
40	10 0 0	10 0 0	Do.	
40	10 0 0	10 0 0	Do.	
40	10 0 0	10 0 0	Do.	

*Surveyor General's Office,
Sydney, 16 December, 1862.*

Sydney: Thomas Richards, Government Printer.—1862.

[Price, 1d.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CROWN LANDS RESERVED FROM SALE.

(UNTIL SURVEYED, FOR THE PRESERVATION OF WATER SUPPLY, OR OTHER PUBLIC PURPOSE.)

Ordered by the Legislative Assembly to be Printed, 26 June, 1862.

SCHEDULE of Crown Lands Reserved from Sale until surveyed, for the preservation of Water Supply or other Public Purpose, submitted to the Parliament of New South Wales, in accordance with the 4th section of the Crown Lands Alienation Act of 1861.

No.	Locality.	Area in square miles.	Government Gazette in which the Description is published.	
1	County of Brisbane, in the Parish of Ellis, adjoining the western boundary of W. Cox's 2,560 acres, on the Hunter River, near Musclebrook	14	Thursday, 17 April, 1862. No. 72.	
2	County of Camden, at the Lagoon near Picton	2		
1	County of Phillip, at Gulgong, Cooyal Creek	2		
46	Pastoral District of Clarence, on Micalo Island, part of section 7, Parish of Taloumbi, County of Clarence	1		
31	Pastoral District of Lachlan at Booroonda	1		
32	Ditto at Worowaring, on Tyagong Creek	1		
33	Ditto at Nangua	1		
34	Ditto at Wantabadgery	1		
35	Ditto at Oura	2		
36	Ditto at Wambarumba Creek, near its confluence with Crowther and Murringo Creeks, County of Monteagle	1		
37	Ditto at the confluence of Mackay's Creek with the Boorowa River	1		
38	Ditto at Gungewalla	1		
39	Pastoral District of Monaro, at Coghill and Whologhan Flats, at the sources of the M'Laughlin River, County of Wellesley	1		
48	Pastoral District of Murrumbidgee, at Welaregang	6		
49	Ditto at Jarrcelderry, Bilabung Creek	1		
50	Ditto at Murray River, about 3 miles westerly from the western boundary of the Town of Corowa, County of Hume	2		
51	Ditto at Bungowanah	1		
52	Ditto at Stuckey's Creek, on the road from Tumnt to Gundagai	1		
20	Pastoral Districts of Wellington and Bligh, at the confluence of Boogle Guble Creek with the M'Quarie River, at Butter's Falls	3		
3	General Islands	..		
3	County of Camden, at the Three Creeks, on Hoddle's line of road from Kiama to Wingecarribee, at the source of the Wingecarribee River	1		Friday, 2 May, 1862. No. 78.
7	Pastoral District of Gwydir, on the M'Intyre River, above Diglet's Station (Yetnan)	2		

SCHEDULE, &c.—*continued.*

No.	Locality.	Area in square miles.	Government Gazette in which the Description is published.
52	Pastoral District of Murrumbidgee, at Ininjary, Stuckey's Creek, on the road from Tumut to Gundagai.....	1½	} Friday, 2 May, 1862. No. 78.
53	Ditto at Bangus, at the confluence of Adelong Creek with the Murrumbidgee River.....	2	
1	County of Argyle, at the First Bredalbane Plain.....	2	} Friday, 9 May, 1862. No. 84.
2	Ditto, at the Second Bredalbane Plain.....	1	
40	Pastoral District of Monaro, at Wagonga Inlet, County of Dampier.....	1½	
41	Ditto ditto ditto.....	1½	
41	Ditto Lachlan, near Murringo, County of Monteagle.....	½	} Friday, 23 May, 1862. No. 93.
54	Ditto Murrumbidgee, at Paper Forest Creek.....	1	
55	Ditto Murrumbidgee, on Jerra Jerra Creek.....	2½	
11	Ditto New England, on Salisbury Waters, where the road from Maitland first touches it.....	1	
12	Ditto New England, on Salisbury Plain, where the Armidale Road leaves the Salisbury Waters.....	1	
13	Ditto New England, at the New Bridge on the Main North Road over Saumarcz Creek.....	¾	

TOWNS and VILLAGES.

Name.	County.	Parish.	Police District.	Gazette.	No.
Colinton, Village.....	Beresford.....	Colinton.....	Cooma.....	1862. 9 May.....	82
Coolac, Town.....	Harden.....	Coolac.....	Gundagai.....	17 June.....	104
Giro, Village.....	Hawes.....	Giro.....	Armidale.....	9 May.....	82
Perry, Town.....	Menindee.....	Perry.....	Balranald.....	17 June.....	104
Wallace, Village.....	Clarendon.....	Wallace.....	Wagga Wagga.....	.....	..

A. G. M'LEAN,
Surveyor General.

Surveyor General's Office,
26 June, 1862.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CROWN LANDS.

(RETURNS RELATIVE TO, FROM 1 JANUARY TO 30 JUNE, 1862.)

Ordered by the Legislative Assembly to be Printed, 12 August, 1862.

RETURN of Land selected, and amount of Deposits paid, from 1st January, 1862, to 30th June, 1862.

	AREA.	DEPOSIT.
	A.	£
SETTLED DISTRICTS.		
Bathurst	12,493	3,131
Broulee (say half)	3,084	785
Braidwood	4,725	1,178
Brisbane Water	1,245	311
Berrima	12,651	3,137
Camden	2,485	621
Carcoar	3,313	836
Cassilis	6,440	1,609
Dungog	797	199
Goulburn	25,659	6,415
Grafton	12,265	3,069
Hartley	3,935	984
Kiama	1,941	485
Murrumbidgee	5,825	1,482
Maitland	1,062	266
M'Donald River	471	117
Manning River	1,140	286
Musclebrook	3,112	782
Mudgee	4,489	1,176
Newcastle	5,792	2,256
Orange	11,877	2,971
Parramatta and Liverpool	240	60
Paterson	1,938	483
Port Macquarie	865	215
Port Stephens	1,023	258
Penrith	520	130
Patrick's Plains	8,228	2,097
Queanbeyan	8,136	2,034
Rylstone	2,525	633
Raymond Terrace	200	50
Scone	2,887	721
Shoalhaven	5,855	1,455
Sydney	220	55
Windsor	617	153
Wellington	2,297	573
Wollombi	1,265	340
Wollongong	2,114	531
Yass	13,832	3,455
TOTAL	177,469	45,612
INTERMEDIATE DISTRICTS.		
Broulee (say half)	3,084	785
Cooma	8,210	2,052
Eden	14,287	3,564
M'Leay River	4,509	1,125
Richmond River	1,508	377
Tumut	5,750	1,437
Tamworth	2,620	655
TOTAL	39,956	9,995

CROWN LANDS.

UNSETTLED DISTRICTS.	AREA.	DEPOSIT.
	A.	£
Armidale	5,420	1,350
Albury	694	173
Binalong	13,968	3,492
Bairnald	40	10
Bombala	2,030	507
Deniliquin	100	25
Dubbo	275	68
Gundagai	9,418	2,363
Molong	350	87
Tenterfield	476	119
Wagga Wagga	297	74
Wee Waa	50	12
Warialda	40	10
Wollingrove	200	50
TOTAL	33,337	8,970

Total Area 250,792 acres.
 Total amount of Deposits £63,977
 Average 84 acres, nearly.

MEASUREMENTS, Conditional Purchases, from 1st January to 30th June, 1862.

BY WHOM MEASURED.	NO. OF ACRES.	AMOUNT PAID TO SURVEYORS.			DISTRICTS.
		a.	r.	p.	
Licensed Surveyor Armstrong	1,050	0	0	0	Part of Yass and Binalong, and Carcoar.
" Arthur	50	0	0	0	Part of Carcoar and Bathurst.
Surveyor Bransby	3,475	2	0	0	Eden and part of Broulee.
Licensed Surveyor Campbell ..	954	0	22	0	Berrima and Camden, Narellan and Picton.
" Charlton	1,610	0	0	0	Part of Hartley.
" Donaldson	5,936	2	0	0	Grafton.
Surveyor Evans	1,370	0	0	0	Bombala and part of Cooma.
Licensed Surveyor Hall	120	0	0	0	Port Stephens and part of Manning River.
" Maitland	1,110	0	0	0	Paterson, Dungog, Raymond Terrace, Newcastle, and Maitland.
" Neill	1,351	0	0	0	Musclebrook and Merton, Scone, and part of Murrurundi and Patrick's Plains.
" Price	860	0	0	0	Rylstone, Cassilis, Mudgee, and part of Wellington.
" Pitt	90	0	0	0	Penrith, Windsor, and part of Macdonald River.
" Rogers	610	0	0	0	Wollombi, part of Macdonald River, and part of Patrick's Plains.
" Roberts	150	0	0	0	Brisbane Water.
" W. B. Simpson	2,732	2	0	0	Orange and part of Wellington.
" John Taylor ..	1,047	2	2	0	Kiama and part of Shealhaven.
	22,518	0	24	0	
					4,621 7 6

4s. 1½d. per acre.

PAYMENTS to the undermentioned SALARIED and LICENSED SURVEYORS, for work performed during the period from 1st January to 30th June, 1862.

NAME.	AMOUNT.	NAME.	AMOUNT.
	£ s. d.		£ s. d.
Armstrong	861 18 2	Maitland	263 8 10
Arthur	403 14 11	Neill	120 7 2
Bransby	393 19 6	Price	465 15 4
Campbell	246 9 6	Pitt	45 4 6
Charlton	291 6 0	Rogers	50 5 0
Donaldson	734 13 8	Roberts	68 12 3
Evans	399 15 2	W. B. Simpson	234 5 8
Hall	51 11 10	Taylor	Nil.

Surveyor General's Office,
 Sydney, 12 August, 1862.

Sydney: Thomas Richards, Government Printer.—1862.

[Price, 1d.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CROWN LANDS.

(CORRESPONDENCE RELATIVE TO THE PROCLAMATION OF RESERVES, &c.)

Ordered by the Legislative Assembly to be Printed, 10 September, 1862.

CORRESPONDENCE between the Secretary for Lands, Mr. John Fairfax, and others, having reference to the proclamation of Reserves, the sale of Land under Pre-emptive Right, and the disposal of Pastoral Leases.

UNDER SECRETARY FOR LANDS to JOHN FAIRFAX, ESQ.

*Department of Lands,
Sydney, 22 August, 1862.*

SIR,

The Surveyor General and the Chief Commissioner of Crown Lands, under whose recommendation the disposal of pastoral leases, the proclamation of reserves, and purchases under pre-emptive right take place, having called the attention of the Secretary for Lands to the following paragraph in the leading article in the *Sydney Morning Herald* of this morning;—

“There are two departments of Government which need to be perpetually watched in a fair and candid spirit, those of Lands and Works; nowhere are there such appointments, and therefore such temptations to abuse and corruption. There are some statements which have been openly made, in reference to the Lands, of a most astounding character; we mean concerning the disposal of pastoral leases, the proclamation of reserves, and purchases under the pre-emptive right. Although there may be means of withdrawing these complaints from public observation, we do not know that the public have any more cause to be satisfied. Such questions do not lay altogether between the squatter and the Ministry; the squatter may find a plaster for his grievances, but there still remains to the public whatever loss may result both from the original maladministration and the subsequent satisfaction”;—

I am therefore to ask you to be good enough to oblige the Secretary for Lands, by informing him of the nature of the statements alluded to, or where they are to be found.

I have, &c.,

MICHL. FITZPATRICK.

CROWN LANDS.

JOHN FAIRFAX, ESQ., to UNDER SECRETARY FOR LANDS.

Herald Office,
25 August, 1862.

SIR,

In reply to the inquiry with which your letter of the 22nd instant concludes, namely, "I am therefore to ask you to be good enough to oblige the Secretary for Lands, by informing him of the nature of the statements alluded to, or where they are to be found," I beg to refer the honorable gentleman to W. H. Suttor, Esq., M.L.A.

I have, &c.,
JOHN FAIRFAX.

UNDER SECRETARY FOR LANDS to W. H. SUTTOR, ESQ., M.L.A.

Department of Lands,
Sydney, 27 August, 1862.

SIR,

I am directed by the Secretary for Lands to forward to you a copy of a communication addressed from this department to the Editor of the *Sydney Morning Herald*, together with the reply thereto from Mr. Fairfax, respecting certain allegations contained in an article which appeared in the *Herald* of the 22nd instant; and I am to request that you will be good enough to oblige Mr. Secretary Robertson by furnishing the information alluded to in the letter to Mr. Fairfax.

I have, &c.,
MICHL. FITZPATRICK.

W. H. SUTTOR, ESQ., M.L.A., to UNDER SECRETARY FOR LANDS.

Sydney, 29 August, 1862.

SIR,

I have the honor to acknowledge the receipt of your letter of the 27th instant, enclosing the copy of a letter sent by you to Mr. John Fairfax, together with that gentleman's reply; and also an article from the *Sydney Morning Herald* of 22nd instant, and requesting that I would oblige Mr. Secretary Robertson by furnishing the information alluded to in the letter of Mr. Fairfax.

In answer, I beg to say that I am not in a position to furnish the information asked for, not having seen or heard of the article in the *Herald* until my attention was called to it on Wednesday last, the 27th.

I have, &c.,
W. H. SUTTOR.

UNDER SECRETARY FOR LANDS to W. H. SUTTOR, ESQ., M.L.A.

Department of Lands,
29 August, 1862.

SIR,

With reference to your letter of this date, acknowledging the receipt of my communication of the 27th instant, requesting information from you in regard to an article in the *Sydney Morning Herald* of the 22nd of that month, and apprising me that you are not in a position to furnish the information asked for by the direction of the Secretary for Lands, not having seen or heard of the article in question until your attention was called thereto on Wednesday last, I am instructed to state that Mr. Secretary Robertson is not clear whether you mean by the last paragraph of your letter that you were unacquainted with the statements described in the *Herald* as of a most astonishing character, and having reference to the disposal of pastoral leases, the proclamation of reserves, and the purchase of land under pre-emptive right, or of any of them; or whether you mean that you have not had time to furnish the information.

2. I am at the same time to ask you to have the goodness to oblige Mr. Secretary Robertson by stating which of those two meanings you intend to convey, and if the latter what time would be necessary for the purpose.

I have, &c.,
MICHL. FITZPATRICK.

W. H. SUTTOR, ESQ., M.L.A., to UNDER SECRETARY FOR LANDS.

Sydney,
30 August, 1862.

SIR,

In reply to your letter of to-day, having reference to mine of yesterday, I beg to state, for the information of Mr. Secretary Robertson, that I am unacquainted with the statements described in the *Herald* as of a most astounding character, and having reference to the disposal of pastoral leases, the proclamation of reserves, and the purchase of land under pre-emptive right.

I have complained of the way in which tenders for leases of my own and of members of my family have been disposed of, but these complaints I have made known to the Chief Commissioner as well as to others; but as to the proclamation of reserves and the purchase of land under pre-emptive right I know nothing about the matter, and have therefore made no statements upon the subject, nor do I know what is meant by the words in the article of the *Herald*—"the squatter may find a plaster for his grievance"; it cannot apply to me.

I have, &c.,

W. H. SUTTOR.

UNDER SECRETARY FOR LANDS to CHIEF COMMISSIONER OF CROWN LANDS.

Department of Lands,
Sydney, 4 September, 1862.

SIR,

I am directed by the Minister for Lands to forward for your perusal the accompanying correspondence, and to inform you that the allegations of the *Sydney Morning Herald* with regard to the astounding statements as to corruption in the disposal of pastoral leases, the proclamation of reserves, the purchase of Crown lands under pre-emptive right, and the plaster given to the squatter's grievances, have fallen through—the only authority referred to, Mr. Suttor, M.L.A., having stated that he is unacquainted with the statements alluded to.

2. As Mr. Secretary Robertson has not seen the complaints alluded to in Mr. Suttor's letter as having been made to you, with regard to the manner in which his claims for leases and those of members of his family have been disposed of, I am to request that you will have the goodness at your earliest convenience to submit them, with an official report as to the facts.

I have, &c.,

MICHL. FITZPATRICK.

CHIEF COMMISSIONER OF CROWN LANDS to UNDER SECRETARY FOR LANDS.

Crown Lands Occupation Office,
Sydney, 8 September, 1862.

SIR,

I do myself the honor to acknowledge the receipt of your letter of the 4th instant, enclosing for my perusal, by desire of the Honorable the Minister for Lands, a correspondence arising out of certain allegations recently published by the *Sydney Morning Herald* newspaper, to which his attention had been drawn by the Surveyor General and myself, and which, on investigation, have fallen through; and requesting me to submit the complaints stated (in a letter from Mr. W. H. Suttor) to have been made to me, with regard to the manner in which his claims for leases and those of members of his family have been disposed of.

2. In reply I have the honor to state, for the information of Mr. Secretary Robertson, that the only communications made to me by Mr. Suttor, on the subject of his tenders and those of members of his family, have been made personally, and that I should no more have recognized them as complaints than I should have recognized the facts as the foundation of the false and offensive imputations referred to in your letter.

3. Those facts shall be stated within as brief a compass as practicable:—In June, 1860, tenders were received from Messrs. E. H. Acres, Joseph West, tertius, A. Suttor, and G. and F. Suttor, for runs on the Paroo, a river lying to the westward of the Darling and the Warrego, and which had been recently discovered (I believe about the same period) by Messrs. Acres and Suttor in the lower portion of its course, and at a higher point by Mr. Vincent Dowling. In the same month of June, 1860, Mr. Dowling also tendered for runs on the same river. In August, 1860, Mr. W. H. Suttor, Mr. W. H. Suttor, junr., and Mr. F. B. Suttor, sent in tenders for runs intended to commence at the termination of the blocks described in the previous tenders of Messrs. G. and F. Suttor and Joseph West, tertius, and as it now proves, about the same point as those also previously applied for by Mr. Vincent Dowling.

4. About this point, as it has since been ascertained, the Paroo is intersected by the 30° of south latitude, which then formed the northern boundary of the District of Albert, and of the country in New South Wales open to tender. The tenders of Mr. Dowling and of Messrs. W. H. Suttor, senior and junior, and F. B. Suttor were consequently for country for

for which tenders could not legally be entertained, and have been declined on that ground, pursuant to the regulations and to the uniform practice in similar cases since the promulgation of the original Orders in Council. Thus the question of the relative priority of the tenders never arose; but had the country been open to tender, I would of course have decided the matter in favour of the tenders not of Messrs. Suttor but of Mr. Dowling.

5. In October, 1860, the limit of the country open to tender was by proclamation in the *Gazette*, under the hand and seal of the Governor General, extended from the 30° to the 29° parallel (the boundary of Queensland); and in the following month, November, 1860, fresh tenders were received from Mr. Dowling for runs in the new country, starting from trees marked by him, showing that he possessed former acquaintance with it, and covering about the same country as his original tenders. Messrs. Suttor did not renew their tenders.

6. The tenders received in June, 1860, from Messrs. Acres, West, and Suttor, have been recommended by me for acceptance as far as they were conformable to the regulations, and as far as the country was open to tender. The tenders of Mr. Dowling, received in November, 1860, being the first tenders for the country after its proclamation, have also been, in conformity with the regulations, accepted for certain runs north of the 30° parallel.

7. In what Mr. Suttor's grievance has consisted I have failed to discover; I have failed even to discover that Mr. Suttor himself has any clear perception on the subject; but from his thinking that he has had any ground for complaint, it is apparent that that gentleman's acquaintance with the facts of the matter is as limited as that which his tenders show him to have possessed of the country for which he tendered. I am only sorry, for Mr. Suttor's sake, that he should not have been at the pains to learn something of the facts, in doing which, as no one knows better than himself, he would have received every assistance and facility from me, before making to other parties, as he admits having done, complaints of which I have heard frequently at second hand, and which I now think would have merited at my hands more serious notice and inquiry than, regarding them as idle gossip, I have felt called upon or disposed to bestow upon them.

I have, &c.,

A. ORPEN MORIARTY,
Chief Commissioner of Crown Lands.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CROWN LANDS ALIENATION ACT OF 1861.
(APPRAISERS UNDER.)

Ordered by the Legislative Assembly to be Printed, 13 August, 1862.

LIST of APPRAISERS under "Crown Lands Alienation Act of 1861," with their Districts, and the Head Quarters from which the Mileage Allowance for travelling to appraise is to be estimated.

NAME OF APPRAISER.	HEAD QUARTERS.	DISTRICT.
Morris Asher	Albury and <i>Tumbarumba</i>	Albury Police District.
T. J. Hawkins	Bathurst	Bathurst Registration District.
Do.	Orange	Orange Police District.
F. M. Stokes	Sofala	Sofala Registration District.
H. Carrington	<i>Young</i> and Boorowa	Binalong Police District.
J. L. Crommelin	<i>Braidwood, Ebrington, Araluen</i>	Braidwood Police District.
Do.	<i>Moruya</i> and <i>Werrigundah</i>	Broulee Police District.
A. G. D. Huthwaite ..	<i>Kiandra</i>	Kiandra Gold Field.
Thos Hanna	Dungog	Dungog Police District.
W. Wells	Gundagai	Gundagai Police District.
Do.	Tumut and <i>Adelong</i>	Tumut Police District.
G. K. Waldron	Kiama	Kiama Police District.
Wm. Harpur	Maitland	Maitland Police District.
Wm. Allan	Wingham	Manning River.
A. Allen	Sydney	Metropolitan and Sydney.
Wm. Finch	Molong	Molong Police District, south part, but excluding Forbes.
O. C. Beardmore .....	.....	Forbes and vicinity, Molong Police District.
John Parker	Mudgee, <i>Windeyer, Hargraves</i>	Mudgee Police District.
Thos. Abbott	Murrumbidgee	Murrumbidgee Police District.
John Lord	Kempsey	Macleay River Police District.
Geo. Tully	Newcastle	Newcastle Police District.
Willm. Carruthers ..	Nelligen	Nelligen.
John Taylor	Parramatta	Parramatta and Liverpool Police District.
W. Harpur	Singleton	Patrick's Plains.
J. T. Rowthorne	Penrith	Penrith Police District.
H. S. W. Crummer ..	Port Macquarie	Port Macquarie Police District.
Francis Isaac	Scone	Scone Police District.
Thos. Batteridge	Tamworth, <i>Nundle</i>	Tamworth Police District.
Edwin H. Tompson ..	Wagga Wagga	Wagga Wagga Police District, excluding Lachlan River.
D. O. Byrnes	Warialda	Warialda Police District.
A. Fletcher	Glen Innes	Wellingrove.
W. Finch	Wellington, <i>Stoney Creek</i>	Wellington Registration District.
J. T. Rowthorne	Windsor	Windsor Police District.
Jno. F. Mann	Wollongong	Wollongong Police District.
David Dunlop	Wollombi	Wollombi and Macdonald River Police District.
F. M. Stokes	Tambaroora	Gold Fields in Wellington Police and beyond Registration District.
C. H. Blandford	Grafton	Grafton Police District.
Do.	Casino	Richmond River Police District.

NOTE.—The places in *italic* are Head Quarters for Gold Field Appraisments.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CROWN LANDS.

(ADVERTISED FOR SALE, OR SOLD BY PUBLIC AUCTION.)

Ordered by the Legislative Assembly to be Printed, 16 December, 1862.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 2 September, 1862, That there be laid upon the Table of this House,—

- “ A Return of Crown Lands advertised for sale, or sold by
 “ public auction, from the 1st day of January, 1862, to the
 “ 31st day of July last, shewing,—
- “ (1.) The number of acres in each lot, and the district where
 “ situated.
- “ (2.) The names of the applicants.
- “ (3.) The names of the purchasers at public auction.
- “ (4.) The price per acre realized for each lot.
- “ (5.) The land office where the land was sold, and the
 “ date of sale.
- “ (6.) The number of acres on which deposits have been
 “ forfeited (if any), and the amount of such forfeitures in
 “ each instance.”

(Mr. Dangar.)

CROWN LANDS.

A RETURN of Crown Lands advertised for sale, or sold by public auction, from the 1st day of January, 1862, to the 31st day of July last; shewing (1) the number of acres in each lot, and the district where situated; (2) the names of the applicants; (3) the names of the purchasers at public auction; (4) the price per acre, and amount realized for each lot; (5) the land office where the land was sold, and the date of sale; (6) the number of acres on which deposits have been forfeited (if any), the names of the persons forfeiting, and the amount of such forfeitures in each instance.

Date of Sale by Auction.	Land Office where Sale was held.	District where situated, and No. of acres in each Lot.		Names of Applicants.	Names of Purchasers.	Price per acre realized for each Lot.	Amount realized.	No. of acres on which deposits have been forfeited, and amount of forfeiture.			
		District.	No. of acres.					No. of acres.	Amount.		
1862.			a r. p. Country Lots.			£ s. d.	£ s. d.	a r. p.	£ s. d.		
Jan. 3	Murrurundi	Murrurundi	44 0 0	G. Arnström, of Scone	J., F., and H. White	1 0 0	44 0 0				
	Do	Do	46 0 0		Do	1 0 0	46 0 0				
	Do	Do	38 0 0		Do	1 0 0	38 0 0				
	Do	Do	45 0 0		Do	1 0 0	45 0 0				
	Do	Do	40 0 0		Do	1 0 0	40 0 0				
	Do	Do	127 0 0		Do	1 0 0	127 0 0				
	Do	Do	52 0 0		Do	1 0 0	52 0 0				
	Do	Do	94 0 0		Do	1 0 0	94 0 0				
	Do	Do	114 0 0		Do	1 0 0	114 0 0				
	Do	Do	50 0 0		Do	1 0 0	50 0 0				
	Do	Do	32 0 0		Do	1 0 0	32 0 0				
	Do	Do	121 0 0		Do	1 0 0	121 0 0				
	Do	Do	145 0 0		Do	1 0 0	145 0 0				
	Do	Do	74 0 0		J., F., & G. White, of Belltrees ..	Do	1 0 0	74 0 0			
	Do	Do	78 0 0			Do	1 0 0	78 0 0			
	Do	Do	103 0 0			Do	1 0 0	103 0 0			
	Do	Do	83 0 0			Do	1 0 0	83 0 0			
	Do	Do	81 0 0			Do	1 0 0	81 0 0			
	Do	Do	75 0 0			Do	1 0 0	75 0 0			
	Do	Do	54 0 0			Do	1 0 0	54 0 0			
	Do	Do	97 0 0	Do		1 0 0	97 0 0				
	Do	Do	82 0 0	Do		1 0 0	82 0 0				
	Do	Do	84 0 0	Do		1 0 0	84 0 0				
	Scone	Scone	188 2 0	R. and W. Carter	William Russell ..	1 0 0	188 10 0				
	Do	Do	153 0 0		J., F., and H. White	1 0 0	153 0 0				
	Do	Do	74 0 0	Do	1 0 0	74 0 0					
	Do	Do	61 0 0	Do	1 0 0	61 0 0					
	Do	Do	50 0 0	J., F., & G. White, of Belltrees ..	Do	1 0 0	50 0 0				
	Do	Do	77 0 0		Do	1 0 0	77 0 0				
	Do	Do	50 0 0		Do	1 0 0	50 0 0				
	Do	Do	40 0 0	W. Hodgson ..	William Dumaresq ..	1 0 0	50 0 0				
	Do	Do	60 0 0		The Crown ..						
Feb. 7	Gundagai	Gundagai	60 0 0			W. Hodgson ..	William MacAnsh ..	1 0 0	60 0 0		
	Do	Do	62 0 0			Do	Do	1 0 0	62 0 0		
	Do	Do	56 0 0								
	Do	Do	33 0 0								
	Do	Do	57 0 0								
	Do	Do	41 0 0								
	Do	Do	31 0 0								
	Do	Do	81 0 0								
	Do	Do	53 0 0								
	Do	Do	44 0 16								
	Do	Do	42 0 0								
	Do	Do	40 0 0								
	Do	Do	42 0 0								
	Do	Do	53 0 0								
	Do	Do	32 0 0								
	Do	Do	54 0 0								
	Do	Do	43 0 0								
	Do	Do	34 0 0								
	Do	Do	63 0 0								
	Do	Do	80 0 0								
	Do	Do	51 0 0								
	Do	Do	80 0 0								
	Do	Do	90 0 0								
	Do	Do	95 0 0								
	Do	Do	63 0 0								
	Do	Do	64 0 0								
	Do	Do	72 0 0								
	Do	Do	90 0 0								
	Do	Do	95 0 0								
	Do	Do	Town.			Per Lot.					
	Do	Do	0 2 0		Charles Sydney Smith	4 0 0	4 0 0				
	Do	Do	0 2 0		Denis Cavanaugh ..	4 0 0	4 0 0				
	Do	Do	0 2 0		Henry Palmer ..	4 0 0	4 0 0				
	Do	Do	0 2 0		William S. Smith ..	4 0 0	4 0 0				

CROWN LANDS.

Date of Sale by Auction.	Land Office where Sale was held.	District where situated, and No. of acres in each Lot.		Names of Applicants.	Names of Purchasers.	Price per acre realized for each Lot.	Amount realized.	Names of Purchasers forfeiting.		No. of acres on which deposits have been forfeited, and amount of forfeiture.	
		District.	No. of acres.					No. of acres.	Amount.	a. r. p.	£ s. d.
1862. Mar. 6	Dungog	Dungog	a. r. p. Town.	The Crown		£ s. d.	£ s. d.			a. r. p.	£ s. d.
	Do	Do	0 2 0								
	Do	Do	0 2 0								
	Do	Do	0 2 0								
	Do	Do	0 2 0								
	Do	Do	0 2 0								
	Do	Do	0 2 0								
	Do	Do	0 2 0								
	Do	Do	0 2 0								
	Do	Do	0 2 0								
	Do	Do	0 2 0								
	Do	Do	0 2 0								
	Do	Do	0 2 0								
	Do	Do	0 2 0								
	Do	Do	0 2 0								
	Do	Do	0 2 0								
	Do	Do	0 2 0								
	Do	Do	0 2 0								
	Do	Do	0 2 0								
	Do	Do	0 2 0								
Mar. 22	Singleton	Patrick's Plains	Country.	J. Arthur	James Arthur Do William Whiteman George Watts Do	1 0 0 1 0 0 1 0 0 1 0 0 1 0 0	85 0 0 52 0 0 34 0 0 27 14 3 32 11 9			a. r. p.	£ s. d.
	Do	Do	85 0 0								
	Do	Do	52 0 0								
	Do	Do	34 0 0								
	Do	Do	27 2 34								
	Do	Do	32 2 14								
	Do	Do	Suburban.								
	Do	Do	14 3 18								
	Do	Do	14 0 0								
	Do	Do	Country.								
	Do	Do	40 0 0								
	Do	Do	25 0 19								
	Do	Do	26 0 0								
	Do	Do	23 2 25								
	Do	Do	23 2 25								
	Do	Do	43 0 0								
	Do	Do	32 0 0								
	Do	Do	10 3 15								
	Do	Do	49 3 0								
	Do	Do	Suburban.								
	Do	Do	13 3 33								
	Do	Do	12 3 19								
	Do	Do	12 1 0								
	Do	Do	9 1 28								
	Do	Do	10 3 19								
	Do	Do	10 3 20								
	Do	Do	10 3 20								
	Do	Do	10 0 25								
	Do	Do	4 3 3								
	Do	Do	10 0 3								
	Do	Do	10 0 3								
	Do	Do	31 1 0								
	Do	Do	10 0 3								
	Do	Do	10 0 3								
	Do	Do	13 2 32								
	Do	Do	15 3 13								
	Do	Do	10 2 24								
	Do	Do	10 0 0								
	Do	Do	8 2 0								
	Do	Do	11 3 13								
	Do	Do	11 3 13								
	Do	Do	11 3 13								
	Do	Do	18 1 0								
	Do	Do	13 3 8								
	Do	Do	15 0 0								
	Do	Do	15 0 0								
	Ulladulla	Shoalhaven.	5 1 8	The Warden and others..	David Warden Do	2 10 0 3 0 0	13 5 0 7 10 0			a. r. p.	£ s. d.
	Do	Do	2 2 0								
	Do	Do	5 1 32								
	Do	Do	4 2 16								
	Do	Do	4 2 16								
	Do	Do	4 0 0								
	Do	Do	4 0 0								
	Do	Do	4 0 0								
	Do	Do	4 0 0								
	Do	Do	4 0 0								
	Do	Do	2 2 0								
	Do	Do	2 2 0								
	Do	Do	2 2 0								

CROWN LANDS.

Date of Sale by Auction.	Land Office where Sale was held.	District where situated, and No. of acres in each Lot.		Names of Applicants.	Names of Purchasers.	Price per acre realized for each Lot.	Amount realized.	Names of Purchasers forfeiting.	No. of acres on which deposits have been forfeited, and amount of forfeiture.	
		District.	No. of acres.						No. of acres.	Amount.
1862.										
May 16	Wollombi ..	Wollombi ..	a. r. p. Town.	The Crown ..		£ s. d.	£ s. d.		a. r. p.	£ s. d.
	Do ..	Do ..	0 2 0							
	Do ..	Do ..	0 2 0							
	Do ..	Do ..	0 2 0							
	Do ..	Do ..	0 2 0							
	Do ..	Do ..	0 2 0							
	Do ..	Do ..	0 2 0							
	Do ..	Do ..	0 2 0							
	Do ..	Do ..	0 2 0							
	Do ..	Do ..	0 2 0							
	Do ..	Do ..	0 2 0							
	Do ..	Do ..	0 2 0							
	Do ..	Do ..	0 2 0							
	Do ..	Do ..	0 2 0							
	Do ..	Do ..	0 2 0							
	Do ..	Do ..	0 2 0							
	Do ..	Do ..	0 2 0							
	Do ..	Do ..	0 2 0							
	Do ..	Do ..	0 2 0							
May 17	Muscle Brook	Muscle Brook	Suburban.		D. McIntyre, J. Smith, and others					
	Do ..	Do ..	1 1 0							
	Do ..	Do ..	1 1 0							
	Do ..	Do ..	1 1 0							
	Do ..	Do ..	1 1 0							
	Do ..	Do ..	1 1 0							
	Do ..	Do ..	Town.	The Crown ..						
	Do ..	Do ..	0 3 4			Donald Macintyre ..	8 0 0	6 4 0		
	Do ..	Do ..	0 2 0			John M'Donald ..	8 0 0	4 0 0		
	Do ..	Do ..	0 2 0			Do ..	8 0 0	4 0 0		
	Do ..	Do ..	0 2 0			Do ..	8 0 0	4 0 0		
	Do ..	Do ..	0 1 38							
	Do ..	Do ..	0 1 38							
	Do ..	Do ..	0 2 11½							
	Do ..	Do ..	0 2 0			Andrew Gall ..	8 0 0	4 0 0		
	Do ..	Do ..	0 2 0			Robert Gall ..	8 0 0	4 0 0		
	Do ..	Do ..	0 2 0			Donald Macintyre ..	8 0 0	4 0 0		
	Do ..	Do ..	0 2 0							
	Do ..	Do ..	0 1 38							
	Do ..	Do ..	0 1 38							
	Do ..	Do ..	0 1 38							
	Do ..	Do ..	0 1 38							
	Do ..	Do ..	0 1 38							
	Do ..	Do ..	0 1 38							
	Do ..	Do ..	0 1 38							
	Do ..	Do ..	0 1 38							
	Do ..	Do ..	0 1 38							
	Do ..	Do ..	0 2 0							
	Do ..	Do ..	0 2 0							
	Do ..	Do ..	0 2 0							
	Do ..	Do ..	0 2 0		Donald Macintyre ..	8 0 0	4 0 0			
	Do ..	Do ..	0 1 38							
	Do ..	Do ..	0 1 38							
	Do ..	Do ..	0 1 38							
	Do ..	Do ..	0 2 0							
	Do ..	Do ..	0 2 0							
	Do ..	Do ..	0 2 0							
	Do ..	Do ..	0 2 0							
	Do ..	Do ..	0 3 32		James Sherlock ..	8 0 0	4 0 0			
	Do ..	Do ..	0 1 38							
	Do ..	Do ..	0 1 38							
	Do ..	Do ..	0 1 38							
	Do ..	Do ..	0 1 38							
	Do ..	Do ..	0 1 38							
	Do ..	Do ..	0 1 38							
	Do ..	Do ..	0 1 38							
	Do ..	Do ..	0 2 0							
	Do ..	Do ..	0 2 0		Michael Flynne ..	8 0 0	4 0 0			
	Do ..	Do ..	0 2 0							
	Do ..	Do ..	0 2 0							
	Do ..	Do ..	0 2 0							
	Do ..	Do ..	0 2 0							
	Do ..	Do ..	0 3 3		Donald M'Intyre ..	8 0 0	4 0 0			
	Do ..	Do ..	0 3 3		Do ..	8 0 0	4 0 0			
	Do ..	Do ..	Country.	T. Lindsay ..						
	Do ..	Do ..	41 0 0							
	Do ..	Do ..	47 0 0							
	Do ..	Do ..	52 0 0							
	Do ..	Do ..	100 0 0							
	Do ..	Do ..	160 0 0	G. Campbell ..	George Campbell ..	1 0 0	100 0 0			
	Do ..	Do ..	160 0 0		Do ..	1 0 0	160 0 0			

CROWN LANDS.

Date of Sale by Auction.	Land Office where Sale was held.	District where situated, and No. of acres in each Lot.		Names of Applicants.	Names of Purchasers.	Price per acre realized for each Lot.	Amount realized.	Names of Purchasers forfeiting.	No. of acres on which deposits have been forfeited, and amount of forfeiture.								
		District.	No. of acres.						No. of acres.	Amount.							
1862.			a. r. p.			£ s. d.	£ s. d.		a. r. p.	£ s. d.							
June 30	Nundle ..	Tamworth	0 2 0	The Crown.													
	Do ..	Do ..	0 2 0														
July 14	Queanbeyan	Queanbeyan	51 0 0	C. Scott.													
	Do ..	Do ..	90 0 0	T. Shanahan, jun.													
	Do ..	Do ..	160 0 0														
	Do ..	Do ..	56 0 0	G. Campbell ..	George Campbell ..	1 0 0	316 0 0										
	Do ..	Do ..	80 0 0														
	Do ..	Do ..	316 0 0														
	Do ..	Do ..	316 0 0		Do ..	1 0 0	316 0 0										
	Do ..	Do ..	316 0 0		Do ..	1 0 0	316 0 0										
	Sydney ..	Sydney ..	2 3 20	The Crown ..	Thomas Stack ..	3 5 0	9 6 11										
	Do ..	Do ..	1 1 29	E. O. Moriarty ..	James Milson, jun. ..	32 10 0	46 11 0										
	Do ..	Do ..	0 2 16	The Crown ..													
	Do ..	Do ..	0 1 23														
	Do ..	Do ..	0 1 38														
	Do ..	Do ..	0 1 35														
	Do ..	Do ..	0 2 39½														
	Do ..	Do ..	0 3 0														
	Do ..	Do ..	0 1 32														
	Do ..	Do ..	0 2 4														
	Do ..	Do ..	0 2 0														
	Do ..	Do ..	0 1 30														
	Do ..	Do ..	0 1 31														
	Do ..	Do ..	0 2 32														
	Do ..	Do ..	0 2 38														
	Do ..	Do ..	0 2 31														
	Do ..	Do ..	0 2 13														
	Do ..	Do ..	0 2 8														
	Do ..	Do ..	0 2 0														
	Do ..	Do ..	0 1 38														
	Do ..	Do ..	0 1 32														
	Do ..	Do ..	0 1 37														
	Do ..	Do ..	0 2 2														
	Do ..	Do ..	0 2 1														
	Do ..	Do ..	0 2 1														
	Do ..	Do ..	0 2 0														
	Do ..	Do ..	0 2 0														
	Do ..	Do ..	0 2 0														
	Do ..	Do ..	0 2 0														
	Do ..	Do ..	0 2 0														
	Do ..	Do ..	0 2 0														
	Do ..	Do ..	0 2 0														
	Do ..	Do ..	0 1 37														
	Do ..	Do ..	0 1 9½														
	Do ..	Do ..	0 1 20½														
	Do ..	Do ..	0 1 36½														
	Do ..	Do ..	0 2 24½														
	Do ..	Do ..	0 1 22½														
	Do ..	Do ..	0 1 29½														
	Do ..	Do ..	0 1 36½														
	Do ..	Do ..	0 1 36														
	Do ..	Do ..	0 2 32														
	Do ..	Do ..	0 2 7½														
	Do ..	Do ..	0 2 2½														
	Do ..	Do ..	0 2 2½														
	Do ..	Do ..	0 2 2½														
	Do ..	Do ..	0 0 38½														
	Do ..	Do ..	0 0 38½														
	Do ..	Do ..	0 0 38½														
	Do ..	Do ..	0 2 0														
July 15	Do ..	Do ..	2 1 37	The Crown ..													
	Do ..	Do ..	2 2 9														
	Do ..	Do ..	2 1 30														
	Do ..	Do ..	2 0 8														
	Do ..	Do ..	1 3 8														
	Do ..	Do ..	3 0 4														
	Do ..	Do ..	2 1 23														
	Do ..	Do ..	5 1 0														
	Do ..	Do ..	5 1 30														
	Do ..	Do ..	5 1 30														
	Do ..	Do ..	5 0 0														
	Do ..	Do ..	5 0 0														
	Do ..	Do ..	6 0 22														
	Do ..	Do ..	6 0 30														
	Do ..	Do ..	5 2 25														
	Do ..	Do ..	6 0 0														
	Do ..	Do ..	5 1 27														
	Do ..	Do ..	5 1 27														
												Mrs. A. M. Thompson	50 0 0	27 5 4			
												Do ..	50 0 0	25 17 3			
					Do ..	50 0 0	25 17 3										
					Do ..	50 0 0	25 17 3										
					John Cooper..	50 0 0	12 0 8										
					Do ..	50 0 0	12 0 8										
					Do ..	50 0 0	12 0 8										
					Henry Machen	8 5 0	16 18 6										
					Do ..	10 15 0	19 7 3										
					Do ..	12 0 0	36 6 0										
					William Baldwin	16 0 0	38 16 0										
					S. Fehrenbach	5 10 0	23 17 6										
					Do ..	5 10 0	23 17 6										
					Alex. Swanson..	5 1 30	8 16 9										
					Peter M'Donald	5 0 0	6 5 0										
					Alex. Swanson..	6 0 22	8 12 8										
					Michael Despointes..	5 10 0	34 0 8										
					Do ..	5 7 6	30 8 3										
					Do ..	5 2 6	30 15 0										

CROWN LANDS.

Date of Sale by Auction.	Land Office where Sale was held.	District where situated, and No. of acres in each Lot.		Names of Applicants.	Names of Purchasers.	Price per acre realized for each Lot.	Amount realized.	Names of Purchasers forfeiting.	No. of acres on which deposits have been forfeited, and amount of forfeiture.					
		District.	No. of acres.						No. of acres.	Amount.				
1862.														
July 15	Sydney	Sydney	a. r. p. Suburban.	The Crown	F. L. Edwards	Per Foot. £ s. d.	£ s. d.							
Do	Do	Do	5 3 23											
Do	Do	Do	5 3 23											
Do	Do	Do	8 1 24											
Do	Do	Do	5 1 0											
Do	Do	Do	5 0 0											
Do	Do	Do	5 0 0											
Do	Do	Do	Town.											
Do	Do	Do	0 0 4											
Do	Do	Do	0 0 5											
Do	Do	Do	0 0 6											
Do	Do	Do	0 0 5½											
July 16	Mudgec	Mudgec	Country.	N. P. Bayley	Nicholas P. Bayley	Per Acre								
Do	Do	Do	30 0 0	Messrs. Barton	Do	1 0 0	30 0 0							
Do	Do	Do	29 0 0		Do	1 0 0	29 0 0							
Do	Do	Do	33 0 0		Do	1 0 0	33 0 0							
Do	Do	Do	49 0 0		N. P. Bayley	Nicholas P. Bayley	1 0 0	41 0 0						
Do	Do	Do	41 0 0			Do	1 0 0	23 0 0						
Do	Do	Do	41 0 0			Do	1 0 0	36 0 0						
Do	Do	Do	23 0 0			Do	1 0 0	31 0 0						
Do	Do	Do	36 0 0			Do	1 0 0	40 0 0						
Do	Do	Do	31 0 0			Do	1 0 0	32 0 0						
Do	Do	Do	31 0 0			Do	1 0 0	31 0 0						
Do	Do	Do	27 0 0	Do		1 0 0	27 0 0							
Do	Do	Do	30 0 0	Do		1 0 0	30 0 0							
Do	Do	Do	31 0 0	Do		1 0 0	31 0 0							
Do	Do	Do	29 1 24	Knox, Colinson, and others	George Hosking	1 0 0	24 0 6							
Do	Do	Do	20 0 0		John A. H. Price	3 0 0	60 5 3							
Do	Do	Do	24 0 3		E. Richards	George Hosking	1 0 0	23 15 11	David Ball	Country. 47 1 0	13 11 9			
Do	Do	Do	20 0 14			The Crown	Evan Richards	3 17 0	26 19 0					
Do	Do	Do	20 0 0				Arundel Everett	2 10 0	14 13 8					
Do	Do	Do	23 3 7				Edward Jordan	3 0 0	10 17 2					
Do	Do	Do	25 0 8				Assian Arnberg	Assian Arnberg	3 0 0	10 10 0	Myles H. Lyons	3 2 0	2 12 6	
Do	Do	Do	20 0 0					The Crown	John Hilt	2 7 0	77 11 0			
Do	Do	Do	21 1 0						Do	2 2 6	63 15 0			
Do	Do	Do	21 2 0						George Oakes	2 0 0	58 10 0			
Do	Do	Do	20 3 0	Stephen Rabone					2 0 0	38 10 0				
Do	Do	Do	21 2 0	George Oakes					2 0 0	57 10 0				
Do	Do	Do	21 2 0	Do	2 0 0				40 0 0					
Do	Do	Do	21 2 0	Do	2 0 0	52 10 0								
Do	Do	Do	20 0 0	George Oakes	2 0 0	67 0 0								
Do	Do	Do	20 0 0	William Goodin	2 0 0	88 0 0								
Do	Do	Do	20 0 0	William Hy. Catlett	6 17 6	288 15 0								
Do	Do	Do	20 0 0	Edward Braddock	5 11 0	222 0 0								
Do	Do	Do	20 0 0	William Goodin	4 1 0	166 1 0								
Do	Do	Do	Suburban.	The Crown	John Good	15 13 0	30 10 4							
Do	Do	Do	1 3 32		Jordan Sparks	11 0 0	63 10 6							
Do	Do	Do	5 3 4											
Do	Do	Do	13 1 0											
Do	Do	Do	10 3 0											
July 23	Perry	Merrindee	Country.											
Do	Do	Do	13 0 11											
Do	Do	Do	12 1 22											
Do	Do	Do	7 1 10											
Do	Do	Do	7 0 7											

CROWN LANDS.

Date of Sale by Auction.	Land Office where Sale was held.	District where situated, and No. of acres in each Lot.		Names of Applicants.	Names of Purchasers.	Price per acre realized for each Lot.	Amount realized.	Names of Purchasers forfeiting.	No. of acres on which deposits have been forfeited, and amount of forfeiture.		
		District.	No. of acres.						No. of acres.	Amount.	
1862.			a. r. p. Town.			£ s. d.	£ s. d.		a. r. p.	£ s. d.	
July 28	Forbes	Lachlan	0 0 12	The Crown	William Witt	22 0 0	22 0 0				
	Do	Do	0 0 12		Beauchamp Stacey	22 0 0	22 0 0				
	Do	Do	0 0 12		Rachael Wicker	31 0 0	31 0 0				
	Do	Do	0 0 12		James Hawkins and Marmaduke Constable	60 0 0	50 0 0				
July 29	Do	Do	0 0 12								
	Do	Do	0 1 0								
	Do	Do	0 1 0								
	Do	Do	0 1 0								
	Do	Do	0 2 0		William Redman	10 0 0	10 0 0				
	Do	Do	0 1 0								
	Do	Do	0 1 0								
	Do	Do	0 1 0								
	Do	Do	0 1 0		William Redman	5 0 0	5 0 0				
	Do	Do	0 1 0		Do	5 0 0	5 0 0				
	Do	Do	0 2 0								
	Do	Do	0 2 0		William Redman	10 0 0	10 0 0		Rev. H. S. Seaborn	0 2 0	2 15 0
	Do	Do	0 2 0								
	Do	Do	0 2 0								
	Do	Do	0 2 0								
	Do	Do	0 1 0								
	Do	Do	0 1 0								
	Do	Do	0 1 0								
	Do	Do	0 1 0		William Redman	5 0 0	5 0 0				
	Do	Do	0 2 0								
	Do	Do	0 2 0								
	Do	Do	0 2 0		William Redman	10 0 0	10 0 0				
	Do	Do	0 2 0						Wm. Campbell	0 2 0	2 11 0
	Do	Do	0 2 0								
	Do	Do	0 2 0		William Redman	10 0 0	10 0 0				
	Do	Do	0 2 0		Do	10 0 0	10 0 0				
	Do	Do	0 1 0		Do	6 2 6	6 2 6				
	Do	Do	0 1 0		Do	5 0 0	5 0 0				
	Do	Do	0 1 0		John G. Grenfell	5 0 0	5 0 0				
	Do	Do	0 1 0		Do	5 5 0	5 5 0				
	Do	Do	0 2 0		Do	10 0 0	10 0 0				
	Do	Do	0 2 0		William Redman	10 0 0	10 0 0				
	Do	Do	0 2 0								
	Do	Do	0 2 0		William Redman	10 0 0	10 0 0				
	Do	Do	0 2 0		Do	10 0 0	10 0 0				
	Do	Do	0 2 0								
	Do	Do	0 2 0	William Redman	10 0 0	10 0 0					
	Do	Do	0 1 0	Do	5 5 0	5 5 0					
	Do	Do	0 1 0	Do	5 0 0	5 0 0					
	Do	Do	0 1 0					Wm. Campbell	0 1 0	1 5 0	
	Do	Do	0 1 0	Geo. W. Daniels	8 0 0	8 0 0					
	Do	Do	0 2 0					Wm. Campbell	0 2 0	2 10 0	
	Do	Do	0 2 0	Geo. W. Daniels	10 0 0	10 0 0					
July 30	Do	Do	0 2 0								
	Do	Do	0 2 0					L. Pendergrast	0 2 0	2 15 0	
	Do	Do	0 2 0	William Redman	11 10 0	11 10 0					
	Do	Do	0 2 0					L. Pendergrast	0 2 0	5 5 0	
	Do	Do	0 2 0					J. Abott	0 2 0	3 8 0	
	Do	Do	0 2 0								
	Do	Do	0 1 0								
	Do	Do	0 1 0					L. Pendergrast	0 1 0	5 0 0	
	Do	Do	0 1 0					Do	0 1 0	1 17 0	
	Do	Do	0 1 0								
	Do	Do	0 1 0								
	Do	Do	0 1 0	W. J. Bloomfield	9 5 0	9 5 0					
	Do	Do	0 1 0	James Thackell	8 5 0	8 5 0					
	Do	Do	0 1 0	Do	8 0 0	8 0 0					
	Do	Do	0 1 0	William Redman	6 5 0	6 5 0					
	Do	Do	0 1 0								
	Do	Do	0 1 0					L. Pendergrast	0 1 0	1 15 0	
	Do	Do	0 1 0					Do	0 1 0	2 4 0	
	Do	Do	0 1 0								
	Do	Do	0 1 0	William Redman	7 0 0	7 0 0					
	Do	Do	0 1 0	William J. Bloomfield	7 0 0	7 0 0					
	Do	Do	0 1 0	John Talbot	7 10 0	7 10 0					
	Do	Do	0 1 0	William Redman	6 5 0	6 5 0					
	Do	Do	0 1 0	Henry Rogers	7 5 0	7 5 0					
	Do	Do	0 1 0	John Talbot	6 15 0	6 15 0					

CROWN LANDS.

Date of Sale by Auction.	Land Office where Sale was held.	District where situated, and No. of acres in each Lot.		Names of Applicants.	Names of Purchasers.	Price per acre realized for each Lot.	Amount realized.	Names of Purchasers forfeiting.	No. of acres on which deposits have been forfeited, and amount of forfeiture.	
		District.	No. of acres.						No. of acres.	Amount.
1862.			a. r. p.			£ s. d.	£ s. d.		a. r. p.	£ s. d.
July 30	Forbes	Lachlan	Town.	The Crown		Per Lot.				
	Do	Do	0 2 0		Edward Hunt	19 10 0	19 10 0	L. Pendergrast..	0 1 0	4 10 0
	Do	Do	0 2 0		John Nicholson	12 10 0	12 10 0			
	Do	Do	0 2 0		William Redman	10 15 0	10 15 0	L. Pendergrast..	0 2 0	4 10 0
	Do	Do	0 2 0		Do	11 15 0	11 15 0			
	Do	Do	0 2 0		Do	13 0 0	13 0 0			
	Do	Do	0 1 0		Edward Hunt	7 5 0	7 5 0			
	Do	Do	0 1 0		Do	6 0 0	6 0 0			
	Do	Do	0 1 0		John H. Griffiths	7 0 0	7 0 0			
	Do	Do	0 1 0		William Redman	6 0 0	6 0 0			
	Do	Do	0 1 0		Do	6 15 0	6 15 0			
	Do	Do	0 1 0		Do	6 15 0	6 15 0	D. Howell & M. Bell	0 1 0	1 17 0
	Do	Do	0 1 0		William Redman	7 0 0	7 0 0			
	Do	Do	0 1 0		John Nicholson	12 10 0	12 10 0			
	Do	Do	0 1 0		William Baldwin	8 10 0	8 10 0			
	Do	Do	0 1 0		Henry Hart ..	7 0 0	7 0 0			
	Do	Do	0 1 0		William Redman	7 0 0	7 0 0	D. Howell & M. Bell	0 1 0	1 15 0
	Do	Do	0 1 0		Do	6 5 0	6 5 0	D. Howell & M. Bell	0 1 0	1 7 6
	Do	Do	0 1 0		Do	6 5 0	6 5 0	Do ..	0 1 0	1 7 0
	Do	Do	0 1 0		Abraham J. Hawker	5 5 0	5 5 0	Jacob Gustesson	0 1 0	1 7 6
	Do	Do					Do ..	0 1 0	1 7 6	
	Do	Do					D. Howell & M. Bell	0 1 0	1 7 0	

Sydney: Thomas Richards, Government Printer.—1863.

[Price, 5d.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CROWN LANDS.
(LEASES OF, FOR MINING PURPOSES.)

Ordered by the Legislative Assembly to be Printed, 11 December, 1862.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 2 September, 1862, That there be laid upon the Table of this House,—

- “ A Return of all Applications for Leases of Auriferous
“ Lands, under the 7th section of the ‘Gold Fields Act of
“ 1861,’ or for Leases of Lands for Mining purposes other
“ than Gold Mining, under the 22nd section of the Crown
“ Lands Occupation Act of 1861, shewing in each case,—
- “ (1.) The date of the application, and of its acceptance or
“ refusal, as the case may be.
- “ (2.) The reasons (if any) in case of refusal.
- “ (3.) The name of applicant.
- “ (4.) The situation and quantity of land applied for.
- “ (5.) The date, terms, and other particulars of lease.
- “ (6.) The situation and quantity of land leased.”

(*Mr. W. Forster.*)

RETURN of all LEASES of AURIFEROUS LAND under

NAME OF APPLICANT.	DATE OF APPLICATION.	DATE OF ACCEPTANCE.	SITUATION OF LAND APPLIED FOR.	EXTENT.
	1861.	1862.		
Lawrence Goodman and party	29 November.	4 January ..	Bell's Creek, old worked ground..	200 yards ..
John D. Davis and H. H. Hall	26 November.	" ..	Foley's Reef, Peel River Diggings	400 yards ..
William Brown and party	29 November.	" ..	Lower Spring Creek, Lambing Flat	1 acre ..
William Naylor and party	26 November.	" ..	Main Creek, near Young	" ..
Robert M'Fadzen and party	25 November.	" ..	Burrangong Creek.. ..	" ..
James Pettit and party	30 November.	" ..	Bed and bank of Sandy Creek, below the Hills.	400 yards ..
Matthew Miller and party	25 November.	28 January ..	Fuller's Creek .. ..	.....
John Hutchins and party	22 December.	" ..	Burrangong	1 acre ..
		1861.		
Louis Kunstler and party	28 September.	30 October ..	Bed of Tumberumba Creek ..	500 yards ..
Francis Vincent and party	28 September.	" ..	Tumberumba Creek	300 yards ..
	1862.	1862.		
Henry Burke and 7 others	26 February..	19 March ..	Burrangong	1 acre ..
Elisha Reid and 7 others	14 February..	" ..	Adelong	215 feet ..
John Hunter and 3 others	14 February..	" ..	Do	100 yards ..
James Yates and 7 others	13 February..	" ..	Burrangong	1 acre ..
Norman Beaton and 7 others	13 February..	" ..	Do	" ..
John Mathewson and 7 others	13 February..	" ..	Do	" ..
A. Laufranchiey and 5 others	13 February..	" ..	Do	" ..
John Noble and 3 others.. ..	13 February..	" ..	Do	1 square acre
Charles Fox and 3 others	12 April ..	10 June ..	Oakenville Creek	2 acres ..
Thomas Hammond	12 June ..	3 July ..	Little Hill, Mitchell's Creek ..	100 yards ..
Donald Campbell	" ..	" ..	Bobby's Bar, Turon	200 yards ..
Do.	" ..	" ..	North of Do.	100 yards ..
James M'Arthur	" ..	" ..	Mitchell's Creek	" ..
William Tremain and John Bottrell ..	" ..	" ..	Daylight Creek	200 yards ..
Daniel and W. M'Laughlin	" ..	" ..	Do.	100 yards ..
John Mongan, John Pryke, and Mark Mongan.	" ..	" ..	Turon, Mushroom Reach	500 yards ..
William Hardy, David Evans, and E. Grundman	" ..	" ..	Richardson's Point.. ..	2 acres ..
Thos. Horsfall and Wm. H. Wade ..	" ..	" ..	Lagoon Creek	200 yards ..
Jas. H. Horns, Wm. Crockett, and David Crosbie	" ..	" ..	Big Hill, Mitchell's Creek ..	100 yards ..
Thos. Horsfall	" ..	" ..	Mount Schofield, Mitchell's Creek.	200 yards ..
W. Campbell, H. Rede, and R. Croker..	20 June ..	15 July ..	Back Creek, Tumberumba	500 yards ..
J. Nicholas and W. Wellington.. ..	" ..	" ..	Little Victoria Reef	100 yards ..
W. Chang Sang and party	11 July ..	13 August ..	Kelly's Bar, Macquarie River ..	300 yards ..
Jno. Pryke, Jno. Mongan, and Mark Mongan.	" ..	" ..	Quinn's Bar, Turon River.. ..	" ..
An Sun and party	" ..	" ..	Palmer's, Oakey Creek	200 yards ..
An Hown and party	" ..	" ..	Circus Point, Turon River, above Escort Road.	" ..
Asseif Hoy and party	" ..	" ..	Ration Hill	2 acres ..
John Griffiths and Henry Williams ..	" ..	" ..	Lower end of Quinn's Bar	200 yards ..
Jno. Mongan, Jno. Pryke, and Mark Mongan.	" ..	" ..	Sheep Station Point	3 acres ..
John Hyde	" ..	" ..	Upper Turon	200 yards ..
George Crossman and Thomas Ashel ..	" ..	" ..	Heathe's Hill, Upper Turon ..	2 acres ..
Thos. M'Cabe, Peter Davey, and Lewis Balcom.	" ..	" ..	Circus Point, Bed of River	300 yards ..
William Barnett and party	" ..	" ..	Green Point, Bed of River	200 yards ..
J. H. M'Millan and J. M. Henley	" ..	" ..	Island in Turon River, opposite Erskine Flat.	100 yards ..
Coates, Wilson, and W. R. Maxwell ..	" ..	" ..	Lucky Point, Sofala	2 acres ..
Alfred Hogshead and party	" ..	" ..	Lower end of Erskine Island ..	200 yards ..
John Tompson and party	" ..	" ..	Richardson's Point.. ..	2 acres ..
George Wilson and John Longworthy..	21 July ..	" ..	M'Leod's Creek	500 yards ..
Horton, Kemp, and Taylor	25 July ..	13 September	Flat at Head of M'Leod's Creek..	" ..
Hiscox, Middleton, Tyrrell, and Rose, and others (Band of Hope Company.)	16 August ..	" ..	Kelly's, or Old Reef, Iron Bark ..	200 yards ..
W. MacAlister and P. Craven	20 August ..	" ..	Bed of Tumberumba Creek	500 yards ..
Geo. Bower, Jas. Moore, and Robt. Lilly	11 March ..	1 October ..	Palmer's, Oakey Creek	1 acre ..
B. M'Leod, Jno. Black, and Charles Linburge.	" ..	" ..	Lower Turon	300 yards ..
Chas. Whitfield, W. Lee, Saml. Wilmot, and T. Liebentritt.	" ..	" ..	Ellis' Flat, Devil's Hole Creek ..	1 acre ..
George Wells and J. W. Castles	" ..	" ..	Clydesdale Gully, Merroo.. ..	" ..
David Campbell and 3 others	" ..	" ..	Deep Crossing Place, Clydesdale Gully.	" ..
Samuel Smith and Fredk. Robertson ..	" ..	" ..	Mitchell's Creek	100 yards ..
Alex. Brown	" ..	" ..	Big Flat, Upper Merroo	1 acre ..
David MacArthur and 3 others.. ..	" ..	" ..	Mitchell's Creek	100 yards ..

LANDS.

the 7th section of the "GOLD FIELDS ACT of 1861."

SITUATION OF LAND LEASED.	EXTENT.	DURATION OF LEASE.	DATE OF COMMENCING.	RENT.
Bell's Creek, old worked ground	200 yards ..	.....	1862. 1 January ..	£ 10
Foley's Reef, Peel River Diggings	400 yards ..	2 years ..	" ..	20
Lower Spring Creek, Lambing Flat	1 acre ..	12 months ..	" ..	5
Main Creek, near Young	" ..	" ..	" ..	5
Burrangong Creek	" ..	" ..	" ..	5
Bed and bank of Sandy Creek, below the Hills	400 yards ..	2 years ..	" ..	20
Fuller's Reef	" ..	" ..	1 February ..	20
Flat below Chance Gully	1 acre ..	12 months ..	" ..	5
Bed of Tumberumba Creek	500 yards ..	2 years ..	" ..	25
Tumberumba Creek	300 yards ..	" ..	" ..	15
Main Creek	1 acre ..	12 months ..	1 March ..	5
Old Reef, Adelong	215 feet ..	2 years ..	" ..	5
Calcedonian Reef, Adelong	100 yards ..	" ..	" ..	5
Lower end of Chance Gully	1 acre ..	12 months ..	" ..	5
Main Creek	" ..	" ..	" ..	5
Main Creek, near Lambing Flat	" ..	" ..	" ..	5
Chance Gully, Burrangong	" ..	" ..	" ..	5
Main Creek, Burrangong	" ..	" ..	" ..	5
Madwick's Ridge, on Oakenville Creek	1 square acre ..	1 year ..	" ..	5
Little Hill, Mitchell's Creek	2 acres ..	" ..	1 June ..	10
Bobby's Hill, Turon	100 yards ..	2 years ..	1 July ..	5
North of do.	200 yards ..	" ..	" ..	10
Mitchell's Creek	100 yards ..	" ..	" ..	5
Daylight Creek	200 yards ..	" ..	" ..	5
Do.	100 yards ..	" ..	" ..	10
Turon, Mushroom Reach	500 yards ..	" ..	" ..	5
Richardson's Point	2 acres ..	" ..	" ..	25
Lagoon Creek	" ..	" ..	" ..	10
Big Hill, Mitchell's Creek	200 yards ..	" ..	" ..	10
"	100 yards ..	" ..	" ..	5
Mount Schofield, Mitchell's Creek	200 yards ..	" ..	" ..	10
Back Creek, Tumberumba	500 yards ..	5 years ..	1 September ..	25
Little Victoria Reef	100 yards ..	" ..	" ..	5
Kelly's Bar, Macquarie River	300 yards ..	2 years ..	" ..	15
Quinn's Bar, Turon River	" ..	5 years ..	" ..	15
Palmer's, Oakey Creek	200 yards ..	" ..	" ..	10
Circus Point, Turon River, above Escort Road	" ..	" ..	" ..	10
Ration Hill	2 acres ..	" ..	" ..	10
Lower end of Quinn's Bar	200 yards ..	" ..	" ..	10
Sheep Station Point	3 acres ..	.....	" ..	15
Upper Turon	200 yards ..	5 years ..	" ..	10
Heath's Hill, Upper Turon	2 acres ..	" ..	" ..	10
Circus Point, Bed of River	300 yards ..	" ..	" ..	15
Green Point, Bed of River	200 yards ..	" ..	" ..	10
Island in Turon River, opposite Erskine Flat	100 yards ..	1 year ..	" ..	5
Lucky Point, Sofala	2 acres ..	5 years ..	" ..	10
Lower end of Erskine Island	200 yards ..	" ..	" ..	10
Richardson's Point	2 acres ..	2 years ..	" ..	10
M'Leod's Creek	500 yards ..	1 year ..	" ..	25
Flat at Head of M'Leod's Creek	" ..	" ..	" ..	25
Kelly's, or Old Reef, Iron Bark	200 yards ..	5 years ..	" ..	10
Bed of Tumberumba Creek	500 yards ..	2 years ..	" ..	25
Palmer's, Oakey Creek	1 acre ..	" ..	1 October ..	5
Lower Turon	300 yards ..	" ..	" ..	15
Ellis' Flat, Devil's Hole Creek	1 acre ..	1 year ..	" ..	5
Clydesdale Gully, Merroo	" ..	2 years ..	" ..	5
Deep Crossing-place, Clydesdale Gully	" ..	1 year ..	" ..	5
Mitchell's Creek	100 yards ..	2 years ..	" ..	5
Big Flat, Upper Merroo	1 acre ..	" ..	" ..	5
Mitchell's Creek	100 yards ..	" ..	" ..	5

CROWN LANDS.

RETURN, &c.—Continued.

NAME OF APPLICANT.	DATE OF APPLICATION.	DATE OF ACCEPTANCE.	SITUATION OF LAND APPLIED FOR.	EXTENT.
	1862.	1862.		
Edward Gell and 2 others	11 March ..	1 October ..	Mitchell's Creek	100 yards ..
Robt. Swan and 3 others	" ..	" ..	Shea's Point, Palmer's, Oakey Creek	1 acre ..
William Randell and W. H. Randell ..	" ..	" ..	New Zealand Point	" ..
T. L. P. Creaker and 6 others	" ..	" ..	East side Red Hill Creek	100 yards ..
R. Corf and F. Herbert	" ..	" ..	Tucker Hill, Tobin's, Oakey Spring	1 acre ..
George Bush and 3 others	" ..	" ..	Creek, Upper Turon.	" ..
M. M'Clloyd, J. Black, & C. G. Lindberg	" ..	" ..	Golden Point, Palmer's, Oakey	" ..
Do., do., do.	" ..	" ..	Creek.	" ..
John Eyre and party	" ..	" ..	Golden Ridge, Lower Turon ..	100 yards ..
Hector M'Leod	" ..	" ..	Do., do.	" ..
Alexr. M'Pherson	" ..	" ..	River Bed, Patterson's Point ..	300 yards ..
Jno. Tobin and W. Tobin	" ..	" ..	Company's Reef, Lower Turon ..	200 yards ..
Jno. Hyde Yan Wa and Aton	" ..	" ..	Do., do.	" ..
Nicholas Fraveico and 4 others	" ..	" ..	Ration Hill, Sofala	1 acre ..
Henry Poulson and T. D. Duberg	" ..	" ..	Big Oakey Creek	100 yards ..
David Poyitt	" ..	" ..	Reuben's Point	1 acre ..
Felix Egan and 6 others	" ..	" ..	Western Range of Spring Creek ..	100 yards ..
A. A. Ekstron and P. G. Ekstron	" ..	" ..	Little Hill, Mitchell's Creek ..	" ..
A. A. Ekstron and P. G. Ekstron	" ..	" ..	Hangman's Point, Turon River ..	" ..
Ah Song and A. Lein	" ..	" ..	Lower Turon	" ..
Edward Evans and 2 others	" ..	" ..	Do.	" ..
John A. Saunders and Alfred Saunders	" ..	" ..	Pyramid Creek	1 acre ..
John Green and 4 others	" ..	" ..	Little Hill, Mitchell's Creek ..	100 yards ..
James Palmer and 8 others	" ..	" ..	Jockey Point, Meroo	1 acre ..
Hugh Beattie and 3 others	" ..	" ..	Dirty Swamp, near Fish River ..	200 yards ..
Richard Peck and 2 others	" ..	" ..	Graham's Point, Tuena Creek ..	" ..
David J. M'Lachlan	15 September	15 October ..	Blowhard Point, Tuena	1 acre ..
A. and G. French and Henry Maggs ..	" ..	" ..	North Reef, Tuena	" ..
J. G. Stacey and 3 others	" ..	" ..	Lagoon Creek	400 yards ..
William R. Collett	21 August ..	23 October ..	Mitchell's Creek	100 yards ..
W. Russell and W. R. Collett	" ..	" ..	Big Hill, Mitchell's Creek ..	" ..
J. B. Rundle and W. R. Collett ..	" ..	" ..	Uncle Tom's Reef	500 yards ..
Ah Woon and party	29 July ..	5 November ..	Gold Diggers' Creek, Oak Swamp	" ..
John M. Reiley and Patrick Harper ..	" ..	" ..	Reef.	" ..
Peter Hareus and Josh. Linkator ..	" ..	" ..	Moonam Creek	" ..
David Lewis and 8 others	9 October ..	" ..	German's Bank, Adelong Creek ..	200 yards ..
Edwin Bell and another	" ..	" ..	Adelong Creek	" ..
Robert Paterson and 3 others	" ..	" ..	Upper Adelong Creek	" ..
H. Leboke and 2 others	" ..	" ..	Tumberumba Creek	500 yards ..
Jno. Burns and 3 others	" ..	" ..	Do.	" ..
F. Siedly and 2 others	" ..	" ..	Do.	" ..
Albert Merbach and 2 others	27 October ..	19 November ..	Do.	" ..
Emanuel Jones and 5 others	" ..	" ..	Do.	300 yards ..
George Sawyer and Hy. Harris	" ..	" ..	Do.	600 yards ..
			300 yards above the junction of	300 yards ..
			Back Creek with Tumberumba	
			Creek.	

RETURN of Applications for Leases for Mining Purposes other than Gold

DATE OF APPLICATION.	DATE OF ACCEPTANCE.	REASON FOR REFUSAL, IF ANY.	NAME OF APPLICANT.	AREA APPLIED FOR.
	1862.			Acres.
6 January ..	6 January ..	" ..	J. B. Rundle	320
" ..	" ..	" ..	Do.	320
" ..	" ..	" ..	Do.	320
" ..	" ..	" ..	Do.	320
18 January ..	18 January ..	" ..	D. J. Mitchell	320
" ..	" ..	" ..	Do.	320
" ..	" ..	" ..	Do.	320
" ..	" ..	" ..	Do.	320
" ..	" ..	" ..	Do.	320
" ..	" ..	" ..	Do.	320
" ..	" ..	" ..	Do.	320
20 January ..	20 January ..	" ..	Messrs. Morehead and Young	320
" ..	" ..	" ..	Do.	320
" ..	" ..	" ..	Do.	320
" ..	" ..	" ..	Do.	160
" ..	" ..	Part of this was refused, being absorbed by Dr. Mitchell's prior application.	Do.	320

CROWN LANDS.

5

SITUATION OF LAND LEASED.	EXTENT.	DURATION OF LEASE.	DATE OF COMMENCING.	RENT.
Mitchell's Creek	100 yards	2 years	1862. 1 October	£ 5
Shea's Point, Palmer's, Oakey Creek	1 acre	"	"	5
New Zealand Point	"	"	"	5
East side Red Hill Creek	100 yards	"	"	5
Tucker Hill, Tobin's, Oakey Spring Creek, Upper Turon	1 acre	"	"	5
Golden Point, Palmer's, Oakey Creek	"	12 months	"	5
Golden Ridge, Lower Turon	100 yards	2 years	"	5
Do., do.	"	"	"	5
River Bed, Patterson's Point	300 yards	1 year	"	15
Company's Reef, Lower Turon	200 yards	2 years	"	10
Do., do.	"	"	"	10
Ration Hill, Sofala	1 acre	"	"	5
Big Oakey Creek	100 yards	"	"	5
Reuben's Point	1 acre	1 year	"	5
Western Range of Spring Creek	100 yards	2 years	"	5
Little Hill, Mitchell's Creek	"	"	"	5
Haugman's Point, Turon River	"	1 year	"	5
Lower Turon	"	2 years	"	5
Do.	"	"	"	5
Pyramid Creek	1 acre	1 year	"	5
Little Hill, Mitchell's Creek	100 yards	2 years	"	5
Jockey Point, Meroo	1 acre	1 year	"	5
Dirty Swamp, near Fish River	200 yards	2 years	"	10
Graham's Point, Tuena Creek	1 acre	1 year	"	5
Blowhard Point, Tuena	"	2 years	"	5
North Reef, Tuena	5 acres	5 years	"	25
Lagoon Creek	400 yards	"	"	20
Mitchell's Creek	100 yards	"	"	5
Big Hill, Mitchell's Creek	"	"	"	5
Uncle Tom's Reef	500 yards	"	1 November	25
Gold Diggers' Creek, Oak Swamp Creek	"	"	"	25
Moonam Creek	"	"	"	25
German's Bank, Adelong Creek	200 yards	"	"	10
Adelong Creek	"	2 years	"	10
Upper Adalong Creek	"	"	"	10
Tumberumba Creek	500 yards	5 years	"	25
Do.	"	"	"	25
Do.	"	"	"	25
Do.	"	"	"	25
Do.	"	"	"	25
Do.	300 yards	"	"	15
Do.	500 yards	2 years	"	25
Do.	"	"	"	25
800 yards above the junction of Back Creek with Tumberumba Creek.	300 yards	"	"	15

under the conditions contained in 22nd section Crown Lands Occupation Act of 1861.

LOCALITY.	AREA LEASED.	DATE OF LEASE.	REMARKS.
Near Newcastle	Acres. 320	1862. 6 January	
Do.	320	"	
Do.	320	"	
Do.	320	"	
Do.	320	"	
Do.	320	18 January	
Do.	320	"	
Do.	320	"	
Do.	320	"	
Do.	320	"	
Do.	320	"	
Do.	320	"	
Near Red Head, County Northumberland	320	20 January	
Near Newcastle	320	"	
Do.	320	"	
Do.	160	"	
Do.	120	"	

The surface right in these two cases is reserved, the portions being within the Newcastle Pasturage Reserve.

RETURN, &c.—continued.

DATE OF APPLICATION.	DATE OF ACCEPTANCE.	REASON FOR REFUSAL, IF ANY.	NAME OF APPLICANT.	AREA APPLIED FOR.
1862.	1862.			Acres.
29 March ..	13 February ..	.. .. .	Thomas Grove ..	320
" ..	29 March ..	.. .. .	Messrs. J. and A. Brown ..	320
" ..	" ..	.. .. .	Do. ..	320
14 May ..	14 May ..	.. .. .	Do. ..	64
18 January ..	18 January ..	.. .. .	J. Nixon ..	40
" ..	" ..	Selection never made ..	J. Cook ..	20
18 January ..	18 January ..	.. .. .	W. Farthing ..	40
" ..	" ..	.. .. .	J. Seeley ..	40
" ..	" ..	.. .. .	S. Samuel ..	80
" ..	" ..	.. .. .	R. J. Want ..	80
5 February ..	5 February ..	.. .. .	Morehead and Young ..	40
" ..	" ..	.. .. .	J. W. Dunlop ..	320
" ..	" ..	.. .. .	R. J. Want ..	40
6 February ..	6 February ..	.. .. .	Do. ..	40
7 February ..	7 February ..	.. .. .	A. Brown ..	80
6 March ..	6 March ..	Required for public purposes ..	F. H. Robberds ..	80
28 April ..	28 April ..	.. .. .	P. Sahnou ..	20
" ..	" ..	.. .. .	T. W. Smart ..	200
1 January ..	1 January ..	.. .. .	J. Williamson ..	80
" ..	" ..	.. .. .	J. Larnach ..	80
" ..	" ..	.. .. .	J. C. Dibbs ..	320
30 May ..	30 May ..	.. .. .	F. Mitchell and S. Samuel ..	320
2 June ..	2 June ..	.. .. .	Dr. J. Mitchell ..	179
" ..	" ..	.. .. .	Do. ..	240
14 June ..	14 June ..	.. .. .	L. Samuel ..	320
16 June ..	16 June ..	.. .. .	T. W. Smart ..	120
" ..	" ..	.. .. .	C. Smith ..	320
3 July ..	3 July ..	No vacant land ..	T. S. Mort ..	250
12 July ..	12 July ..	Part of Williamson's prior application ..	C. Frith ..	200
17 July ..	17 July ..	.. .. .	Jas. Graham ..	62
" ..	" ..	.. .. .	Mort and Johnson ..	40
" ..	" ..	.. .. .	Do. ..	40
19 July ..	19 July ..	.. .. .	W. Furlonge ..	320
" ..	" ..	.. .. .	Do. ..	320
" ..	" ..	.. .. .	Do. ..	320
" ..	" ..	.. .. .	Do. ..	320
" ..	" ..	.. .. .	Do. ..	320
9 August ..	9 August ..	.. .. .	Mort and Johnson ..	20
12 August ..	12 August ..	.. .. .	W. C. Wentworth ..	320
" ..	" ..	.. .. .	Do. ..	320
" ..	" ..	.. .. .	Do. ..	320
" ..	" ..	.. .. .	Do. ..	320
" ..	" ..	.. .. .	Do. ..	320
20 August ..	20 August ..	.. .. .	Do. ..	320
2 September ..	2 September ..	.. .. .	Wayto and Tulloch ..	320
10 September ..	10 September ..	.. .. .	J. Martin ..	21
12 September ..	12 September ..	.. .. .	F. Russell ..	150
15 September ..	15 September ..	.. .. .	P. Boyd ..	50
6 October ..	6 October ..	.. .. .	S. Samuel ..	40
" ..	" ..	.. .. .	Do. ..	40
" ..	" ..	.. .. .	Do. ..	40
" ..	" ..	.. .. .	Do. ..	40
18 January ..	18 January ..	.. .. .	T. W. Jackson ..	320
" ..	" ..	.. .. .	Do. ..	320
" ..	" ..	.. .. .	W. Robson ..	320
" ..	" ..	.. .. .	Do. ..	320

CROWN LANDS.

7

LOCALITY.	AREA LEASED.	DATE OF LEASE.	REMARKS.
At Waratah	Acres. 320	1862.	
Near Newcastle	310	29 March	} The surface right is reserved in these cases, the land being within the Newcastle Pasturage Reserve.
.. .. .	280	"	
Do.	54	14 May ..	} Authority to select was given, but formal selection never sent in.
Near Maitland	40	18 January ..	
Near Wallabadah .. .. .	....	" ..
.. .. .	40	18 January ..	
Near Maitland	40		
Do.	40		
.. .. .	80		
Near Orange, County Bathurst .. .. .	....	" ..	No survey.
Near Moruya	80	5 February ..	This being for mining purposes other than coal, 30 acres is the maximum for one application.
Do.	40	" ..	
Do.	40	" ..	
Do.	80	6 February ..	
Do.	80	7 February ..	
Near Waratah	200	28 April ..	Part of the surface of this is reserved, being agricultural conditional purchase, Hutchinson, Pratner, and Jones.
Near Moruya	80	1 January ..	
Do.	80	" ..	
Near Waratah	320	28 April ..	Do. Jones and Crumpton; a greater part of the remainder is in the Newcastle Pasturage Reserve.
Near Stockton, County Gloucester	320	30 May ..	
Near Newcastle	179	2 June ..	
Do.	240	" ..	
Near Stockton, County Gloucester	294	14 June ..	No more vacant land.
Near Waratah	123	" ..	
Near Bullock Island	320	16 June ..	
Do.	184	" ..	
Near Stockton .. .. .	....	3 July ..	
Near Moruya	40	17 July ..	
Do.	40	" ..	
On Port Hacking Creek, County Cumberland	320	19 July ..	Survey not yet received.
Do.	320	" ..	
Do.	320	" ..	
Do.	320	" ..	
Near Moruya	20	9 August ..	
Near Port Hacking Creek .. .. .	....	12 August ..	Do.
Do. .. .. .	....	" ..	Do.
Do. .. .. .	....	" ..	Do.
Do. .. .. .	....	" ..	Do.
Do. .. .. .	....	" ..	Do.
Do. .. .. .	....	" ..	Do.
Do. .. .. .	....	" ..	Do.
Near Moruya	21	20 August ..	
Near Maitland	167	2 September ..	
.. .. .	....	10 September ..	
.. .. .	....	" ..	No description of selection yet received.
Parish Kahibah	158	18 January ..	
Do.	167	" ..	
Do.	194	" ..	
Do.	150	" ..	

Sydney: Thomas Richards, Government Printer.—1862.

[Price, 2d.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

TENDERS FOR RUNS.

(RETURN RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 14 August, 1862.

RETURN to an Order made by the Honorable the Legislative Assembly of New South Wales, dated 6 January, 1862, That there be laid upon the Table of this House,—

“(1.) A List of Tenders for Runs paid up to the 31st December, 1861.

“(2.) A List of all Runs which have become forfeited by the non-payment of Fees in accordance with the Land Regulations, dated 7th November, 1861.”

(Mr. Daniel.)

TENDERS FOR RUNS.

CHIEF COMMISSIONER OF CROWN LANDS to UNDER SECRETARY FOR LANDS.

*Crown Lands Occupation Office,
Sydney, 13 August, 1862.*

SIR,

Pursuant to the directions of the Honorable the Secretary for Lands, conveyed to me by your letter of the 3rd of May last, I have the honor to enclose, for the purpose of being laid before the Legislative Assembly,—

1. A Return of Tenders for Runs up to the 31st December, 1861, on which the deposits required by the Regulations of 1st November, 1861, have been paid; and
2. Return of Tenders for Runs up to the like date, on which the said deposits have not been paid.

I believe that these Returns will be found to embody the information desired; but it is necessary to observe that the wording of the Order for the first Return leaves room for some uncertainty as to the precise information called for, and that the terms of the second Return as ordered would, if literally followed, have resulted in a Return in blank.

I have, &c.,

A. ORPEN MORIARTY.

No. 1.

RETURN of Tenders for Runs, up to the 31st December, 1861, on which the Deposit required under the 50th Clause of the Regulations of 1st November, 1861, has been paid.

DATE OF TENDER.	NAME OF TENDERER.	NAME OF RUN.
1850.		
45 February ..	J. B. Suttor	Boy Beyan on the Back Creek.
1853.		
85 November ..	S. B. Daniel and J. West, junr. ..	Outer Enebelong.
37 " ..	Do. do. ..	Blowclear.
38 " ..	Do. do. ..	Salmagundia.
39 " ..	Do. do. ..	Mungolia.
40 " ..	G. B. Fletcher	Mulu.
15 December ..	S. B. Daniel and J. West, junr. ..	Beauport.
16 " ..	Do. do. ..	Colleroy.
1854.		
184 March ..	S. A. Sylvester and W. E. Smith ..	Harvey's Hut Run.
185 " ..	Do. do. ..	Mostyn's Hut Station.
48 July ..	James Maiden	Wealba, Block B.
49 " ..	Do.	Do. do. A.
43 September ..	David Denny	Cockinwonga.
24 October ..	C. W. Bucknell	Long Point, Ryan Creek.
1855.		
26 July ..	Henry Eagar	Imbergec.
59 November ..	W. A. O'Brien	Bygoo.
1856.		
47 March ..	Samuel Smith	South Clover Creek.
49 " ..	Do.	Clover Creek.
71 April ..	H, and B. Jamison	Glensturt.
72 " ..	Do.	Stanley.
83 " ..	Do.	Mount Lyell.
84 " ..	Do.	Baranabby.
85 " ..	Do.	Mount Robe.
94 September ..	J. L. Phelps and N. Chadwick ..	South Benonglo.
1857.		
45 January ..	Jas. Coleman	Warrangerawmalby.
26 February ..	Joseph Aarons, junr.	Weeran.
45 May ..	Charles Colwells	Quandong.
43 " ..	C. W. Bucknell	Weemenbar.
46 July ..	John Campbell	Ninmicate.
60 " ..	J. B. Rundle and E. Parsons ..	Coonamoona, Back Run.
62 " ..	James Coleman	Cubboombone
98 " ..	James Scott	Cutply.
39 August ..	Elizabeth Nevell	Gimble Gunyech.
48 " ..	Christie and Wellington	Haddouriggo.
66 September ..	E. J. Spence and J. G. Morley ..	Moodana, Back Run.
68 " ..	Do. do.	The Gunhaw, Back Run.
72 " ..	Edwd. H. Acres	Mary Mary, Back Run.
74 " ..	E. J. Spence and J. G. Morley ..	Woollawoola, Back Run.
47 October ..	Do. do.	The Back Run of Mulla Mulla.
49 " ..	Do. do.	The Back Run of Lovestock.
17 November ..	W. F. Buchanan	Moriman.
70 December ..	James Coleman	Worri Beddy.
93 " ..	William Marshall	Wallandry.
94 " ..	Do.	Buddigower.
104 " ..	James Scott	Cutply.
105 " ..	John Cameron	Kilon.
107 " ..	G. Butler Fletcher	Pipilta.

TENDERS FOR RUNS.

3

DATE OF TENDER.	NAME OF TENDERER.	NAME OF RUN.
1858.		
29 January ..	Patk. J. Keighran	Wallandra Billibong, 2.
66 January ..	Jas. M'Leod	East Barara.
44 March ..	J. Twaddle and T. Kirkpatrick	Mickey Mull Spring.
61 April ..	John Knight	Gidgier.
65 ..	Thomas Hungerford	Byerawering, South.
67 ..	Do.	Do. North.
68 ..	Do.	Canwell.
83 ..	Jas. M'Leod	Gunpanoola, East.
40 May ..	A. K. Collins	Warrego, No. 22.
41 ..	Do.	Do. No. 21.
42 ..	Do.	Do. No. 24.
43 ..	Do.	Do. No. 19.
44 ..	Alex. and Jas. Glass	Glennudabog.
45 ..	Jas. Glass and Jno. Corrigan	Bomangabali, South
48 ..	Do. do.	Glennudabog, West.
49 ..	Alex. and Jas. Glass	Bomangabali.
74 ..	A. K. Collins	Warrego, No. 23.
76 ..	Do.	Do. No. 20.
77 ..	Robert Peel Raymond	Do. No. 8.
79 ..	Do.	Do. No. 5.
81 ..	Do.	Do. No. 7.
82 ..	Do.	Do. No. 6.
83 ..	Do.	Do. No. 4.
89 ..	G. W. Lord.	Block, No. 2.
32 June ..	T. L. Richardson	Ballaree.
33 ..	Do.	Trialgara.
37 July ..	Jno. Williams	Kanthai Canthar.
39 ..	Chas. Colwell, senr.	Wambalong, South.
60 ..	W. W. Richardson	Weeroon.
64 ..	Geo. W. Lord	Yalgo.
82 ..	Do.	Block D.
87 ..	G. B. Fletcher	Palinoo.
31 August ..	George Titeunc	Mumbiwater.
38 ..	Wm. Leard	Jimbege, East.
39 ..	Do.	Do. West.
41 ..	T. G. Dangar	Upper Dunwarian.
43 ..	G. R. M'Lean	Warrigal.
44 ..	Do.	Willi.
49 ..	G. R. M'Lean and S. Scarvell	Dingo.
54 ..	Geo. Wood	New Gradgery.
60 ..	Geo. R. M'Lean	Crodgi.
61 ..	Do.	Budgel.
63 ..	Do.	Whombat.
64 ..	Do.	Ninmi.
65 ..	James Glass	Narranwater.
95 ..	Donald Mackenzie	Nadback.
96 ..	Do.	Topar.
97 ..	Do.	Coontaralba.
101 ..	James Pile	Outer Wallara.
102 ..	Do.	Outer Cuthro.
61 September ..	H. and B. Jamison	Redan.
64 ..	Wm. Leard	Inbegeria, West.
65 ..	Do.	Do. East.
92 ..	Colin Mackenzie	Yarrangal, East.
94 ..	Michl. Morris	Nimbie.
1 October ..	Hugh Hamilton	Bubbling Spring.
2 ..	Do.	West Peri.
3 ..	Do.	West Warrego.
4 ..	Do.	West Pharo.
5 ..	Do.	East Peri.
6 ..	Do.	East Pharo.
7 ..	Do.	East Warrego.
30 ..	Sauuel Smith	Waller.
11 November ..	James Coleman	Waddiman.
39 December ..	T. E. Lance	Burrawandool and Millincowba, Block
40 ..	Do.	Calinbone and Theakway. [No. 2.
57 ..	Duncan Macrae	Bella-der.
76 ..	J. N. M'Intosh and R. H. W. H.	
	Oakes	Coontwanda, East.
77 ..	Do. do.	Coontwanda.
78 ..	Do. do.	Unterwonga.
79 ..	Do. do.	Do. East.
80 ..	Do. do.	Burrorunga, East.
81 ..	Do. do.	Wercoola.
82 ..	Do. do.	Thooloo.
83 ..	Do. do.	Burrorunga.
1859.		
32 January ..	G. J. Gibson	Ninia.
36 ..	Do.	Como.
10 March ..	Wm. Picton	Langboyde, South.
15 ..	Robert Lynch	East Yangar.
16 ..	Do.	East Tula.
19 ..	T. A. Smith	Back Moodana.
20 ..	Saml. Smith	Back Gumhall.
22 ..	Do.	Back Woolla Woolla.
23 ..	H. and B. Jamison	Peery.
24 ..	Charles Mantou	Stephen's Creek.
25 ..	Do.	Moant Darling Creek, Block No. 1.
26 ..	Do.	Do. Block No. 2.
28 ..	Andrew M'Kenzie	Lower Coobringarce.

TENDERS FOR RUNS.

DATE OF TENDER.	NAME OF TENDERER.	NAME OF RUN.
1859.		
25 March	Andrew McKenzie	Upper Coobringarae.
22 April	Wm. Renwick	No. 2 River.
61 "	Charles Manton	Wancockaroo Station.
63 "	Do.	Yancowenna Glen Station, Block B.
64 "	Do.	Do. Block A.
66 "	Do.	Gairdner Creek Station.
52 May	John Drinan	Walthamargie.
53 "	Do.	Mollaroy.
66 "	Jas. Coleman	Boomer, South.
67 "	Do.	Do. North.
68 "	Chas. Wray Finch	Block No. 2.
69 "	Do.	Do. No. 3.
70 "	Do.	Do. No. 1.
94 June	Edward Jno. Finch	Block 1.
101 "	E. J. Finch	Block 2.
116 "	W. A. Broadribb	Tala Back Plains.
123 "	Donald M'Rae	Warreegal.
129 "	Do.	Poolia.
134 "	D. Macrea, junr., and D. Macrea	Clunes.
142 "	Finch, Brothers	Warrego, East, No. 3.
143 "	Do.	Do. do. No. 2.
33 July	Charles Manton	Stephen's Creek Station, Block 2.
36 "	Do.	Gairdner Creek Station, Block 2.
54 "	D. Macrea, junr., and D. Macrea	Neptate.
59 "	Donald Macrea	Kilcallo.
67 "	Charles Manton	Gairdner Creek Station, Block 3.
68 "	Donald Macrea	Binaran.
79 "	T. H. Hill	Yamby, West.
87 "	Do.	Nco.
89 "	J. and H. C. White	Bucklenbaa, East.
93 "	G. W. Bucknell	Barragillo.
116 "	A. K. Collins and G. Barber	Bone Bone, No. 2.
117 "	Do. do.	Boonde, No. 6.
132 "	T. G. Dangar	D. 4, No. 4.
133 "	Do.	Do. No. 5.
139 "	Do.	Culgea.
152 "	Do.	The Upper Brec.
151 August	F. N. Bucknell	Meeleber.
163 "	T. G. Dangar	Molyerwi.
171 "	Thos. H. Hill	Boogara, East, Block No. 1.
172 "	Do.	Do. West, do.
175 "	Do.	Do. Block No. 2.
179 "	Do.	Do. East, do.
184 "	Do.	Yamby Run, Block No. 1.
191 "	W. W. Richardson	Speculation, No. 5.
192 "	Do.	Do. No. 4.
215 "	Wm. Tyson, junr.	Torowang Plains.
255 "	Donald Mackenzie	Mount Dispersion, North-east.
261 "	Peter Tyson	Kiteho, Back Run.
262 "	Do.	Yelker, do.
263 "	Do.	Kulpaterong, Back Block.
264 "	Do.	Ghnowe, Back Block.
265 "	Do.	Bomarthon, Back Block.
266 "	Do.	Yhowe, Back Block.
267 "	Do.	Dolmorryc, Back Block.
268 "	Do.	Benckay, Back Block.
269 "	Do.	Till Till, Back Block.
213 September	Henry C. Jones	Werrahbah.
215 "	L. Millar and T. Maxwell	Jona, No. 3.
222 "	Lockhart, Millar, and Maxwell	Staffa, No. 2.
223 "	Do. do.	Lismore, No. 5.
230 "	L. Millar and T. Maxwell	Lincluden, No. 4.
231 "	Do.	Glencoe, No. 6.
232 "	Do.	Culloden, No. 1.
255 "	James White	Warren.
257 "	George Wood	Narrieawogh.
265 "	James White	Grandool South.
276 "	A. and J. F. Doyle	Milbry, Block No. 35.
278 "	Do.	Do. do. No. 4.
279 "	Do.	Pigeonbull, Block No. 5.
280 "	Do.	Milbry, Block No. 1.
281 "	Do.	Pigeonbull, Block No. 7.
286 "	Do.	Do. do. No. 8.
288 "	Do.	Do. do. No. 6.
290 "	T. G. Dangar	Lower Brec.
292 "	A. and J. F. Doyle	Milbry, Block No. 2.
293 "	Do.	Do. do. No. 3.
294 "	Do.	Pigeonbull, Block No. 4.
304 "	G. A. and P. Mier	North Oaks Run.
305 "	Do.	South Oaks Run.
309 "	J. S. Robertson and Wm. Reid	Woolpagerie.
312 "	Peter Macfarlane	Outer Paringe.
317 "	W. L. Reid and R. T. Reid	Porcupine Run.
318 "	Do. do.	Bolton.
319 "	William Tom	Moothumbal.
322 "	J. S. Robertson	Mulurulu.
326 "	W. L. Reid and R. T. Reid	Toorimcan.
327 "	Do. do.	Hucco.
329 "	James Scott	Tulrigo.
273 October	H. C. Jones	Ganado.

TENDERS FOR RUNS.

5

DATE OF TENDER.	NAME OF TENDERER.	NAME OF RUN.
1859.		
438 October ..	James White	Toriabold, No. 2.
439	Do.	Kignigil, Nouth.
446	Do.	Cowga, No. 2.
465	John Brown	Triangle.
472	T. G. Dangar	West Binnagillce.
481	Do.	Wellington Extremity Back.
487	Do.	Wellington Extremity.
490	J. D. Macanah and N. R. Besnard..	Hiawatha.
523	W. L. Reid and J. Dunne	Beyond Outer Culpaulin.
624	G. M. and A. L. Parry	Woylehngga.
530	G. M. and A. S. Perry	Cultrowarra.
62 November..	John Smith	Cullenbullybully, Block No. 2.
63	Do.	Do. do. No. 3.
83	James Keenan	Balmoral.
84	Do.	Glencoe.
90	Michael Neale	Weera, East
91	John Smith	Cullenbullybully.
106	John Brown	Triangle.
113	Jas. and H. C. White	Tindgeria, South.
114	T. G. Dangar	Upper Guige Back.
120	J. and H. C. White	Utomogo, No. 2.
147	E. H. Woodhouse	East Mundarah.
148	Do.	South Buckimbong.
153	W. Tyson, junr.	Allkein.
205	J. Crozier and A. T. Perry..	Mulga, No. 1.
206	Do.	Do. No. 2.
213	Do.	Do. No. 3.
214	E. T. R. T. and J. Curr	Urambe, No. 2.
216	Do. do.	Urambec.
229	James Scott	Comba.
1 December..	Lockhart, Millar, and Maxwell ..	Cobangary.
5	Do. do.	Payera.
17	William Peisly	Barwan.
18	T. G. Dangar	Willwoolly.
27	William Peisley	Boomer.
36	W. W. Richardson	Womboin.
41	John Brown	Lower Crosbel.
52	T. A. Smith	Back Block of Modana.
53	Samuel Smith	Back of Back Gumball.
65	Do.	Back of Clover Creek.
66	Do.	Back of South Clover Creek.
68	Do.	Back of Back Woola Woola.
1860.		
2 January ..	Jas. Hibberson and R. Bell	Corenia Lake.
13	Thos. M'Namara	Wilgawarrena.
15	Jno. C. Bagot	Wangerawally, East.
16	Do.	Do. West.
17	Thos. M'Namara	Oakfields.
18	Do.	Carinda.
27	C. W., F. N., and A. W. Bucknell ..	Pinaly.
29	Do. do.	Direbmabildy.
30	Do. do.	Caranga.
75	S. Smith	Back Tagandy Georgy.
81	Do.	Back Talaa Benny.
7 February ..	Major West	Mille Maroo.
25	G. T. Suttor	East Warrego, No. 1.
65	Major West	Mude Roon, No. 1.
68	Jas. West, junr.	Gooroonganear.
79	Major West	Booree Woon.
85	Glass and Corrigan	Kigwigel, Back Run.
96	Major West	Mude Roon, No. 2.
122	Geo. T. Suttor	East Warrego, No. 3.
124	Do.	Do. Block No. 2.
134	W. W. Bucknell	South Gingham.
187	R. Wilson and T. Purcell	West Burumbuttock.
207	T. G. Dangar	Wangen, North.
57 March ..	David Reid	South Plain, No. 2.
58	Do.	Do. No. 1.
76	C. W. Ligar	Papakura, No. 1.
24 April ..	Do.	Rankin's Hill, No. 6.
25	Do.	Do. No. 5.
33	Do.	Papatoitoi, North.
34	Do.	Do. East.
41	Do.	North Gregory.
114	Robt. G. Higgins	Pirugobla.
123	Wm. Wright	Noonchorangee.
130	Do.	Bengoro.
141	Do.	Woraro.
142	Do.	Mootingga.
157	W. W. Richardson	Inbetweencr.
7 May	L. Millar and T. Maxwell	Namoon.
8	Do. do.	Pabara.
34	John Readford	Cattle Waterhole.
60	Wm. Boyd	North Way.
61	Do.	North Eubalong.
62	Do.	Yara.
63	Do.	Moonee.
64	Do.	Mordie.
68	Jno. O'Shanassy	Balnclava, Middle.
97	Do.	Do. Front.
101	Do.	Do. Back.

TENDERS FOR RUNS.

DATE OF TENDER.	NAME OF TENDERER.	NAME OF RUN.
1860.		
104 May	Thos. E. Boyd	Rankin's Hill, East, No. 5.
105 "	Do.	Do. do. No. 4.
110 "	Donald Macrea	Candan.
111 "	D. and D. Macrea	Bulgarry.
112 "	Donald Macrea	Gumado.
113 "	Do.	Waldwara.
115 "	F. M., R. T., and J. Curr	Urambee, No. 4.
120 "	E. W., R. T., and J. Curr	Do. No. 3.
127 "	Wm. Nash	North Turloe.
128 "	Do.	Back Bullannong.
129 "	Do.	Outer Back do.
130 "	Do.	South Gall Gall.
131 "	Do.	Outer Back Turloe.
134 "	Do.	West Paringi.
135 "	Do.	North do.
136 "	Do.	East Tarcoola.
137 "	Do.	South Pauban.
138 "	Do.	West do.
152 "	Jno. Filson	Bourke.
155 "	Do.	Back Tyndya.
157 "	Do.	North Bourke.
60 June	Andrew Suttor	Western Putha Putha, No. 2.
61 "	E. H. Acres	Gooralya, No. 3.
62 "	Do.	Putha Putha.
64 "	Andrew Suttor	Western Waller Mutty, No. 1.
70 "	E. H. Acres	Waller Mutty, No. 1.
73 "	Joseph West, tertius	Western Goralys, No. 1.
75 "	Do.	Binda, or Western Yamma, No. 2.
90 "	Geo. and Fredk. Suttor	Combedore, No. 2.
91 "	Peter Tyson	Cunthaga.
93 "	Jas. Scott	Barawan.
95 "	E. H. Acres	Outer Mary Mary.
96 "	G. and F. Suttor	Yamma, No. 1.
7 July	Vincent Dowling	Moco Barungha, West, No. 8.
8 "	Do.	Do. do. No. 6.
10 "	Do.	Do. do. No. 3.
11 "	Do.	Do. do. No. 4.
13 "	Do.	Do. do. No. 5.
14 "	Andrew Doyle	Thully Spring.
15 "	Vincent Dowling	Moco Barungha, West, No. 10.
17 "	Do.	Do. do. No. 9.
23 "	Do.	Do. do. No. 1.
24 "	Do.	Do. do. No. 7.
25 "	Do.	Do. do. No. 2.
36 "	John Brown	Back Terroble.
37 "	John Strahorn	Darouble, East, Back Run.
38 "	John Brown	Back Woorebugha Cowell.
41 "	Robert Rand	Triangle.
42 "	Do.	Union.
43 "	John C. Bagot	Pine Gobala.
45 "	Philip W. Wright	Bullamoondi.
46 "	Do.	South Gil Gil.
51 "	George B. Fletcher	West Illawla, Tittulluita, and Penolingay
52 "	Do.	East do. do. do.
53 "	Joseph West, tertius	Cooney Paroo, West, No. 9.
54 "	Do.	Do. East, No. 12.
55 "	George B. Fletcher	Leuwin Klip.
56 "	Do.	Mount Babbage.
57 "	Do.	Ekerboom.
58 "	Do.	Sturt.
59 "	Joseph West, tertius	Cooney Paroo, East, No. 11.
60 "	Do.	Do. West, No. 7.
61 "	Do.	Do. do. No. 11.
62 "	Do.	Do. do. No. 12.
72 "	Cornish, Brocklehurst, and Kemmis	Back East Kidgai, No. 2.
73 "	Do.	Back West Kidgai, No. 2.
4 August	William Playle	Mungle.
5 "	Do.	Wallah.
7 "	Richmond Henty	Munnimbla.
11 "	Richard Jackson	New Bogumang.
16 "	T. J. Hawkins	Yarra Dunah.
17 "	Peter Tyson	Tugragara.
22 "	Wm. H. Suttor	Baroo, No. 2.
25 "	Do.	Baroo, No. 1.
26 "	Do.	Do. No. 7.
27 "	Do.	Do. No. 3.
28 "	William Ross	Mount Babbage, South-west.
29 "	Francis B. Suttor	Baroo, C.
31 "	William H. Suttor	Baroo, No. 4.
32 "	Do.	Do. No. 5.
33 "	Francis B. Suttor	Do. B.
34 "	Wm. H. Suttor, junr.	Do. F.
35 "	William Ross	Mount Babbage, South.
36 "	Francis B. Suttor	Baroo, A.
37 "	Thomas J. Hawkins	Emeu.
38 "	W. H. Suttor, junr.	Baroo, D.
39 "	William Ross	Mount Babbage, South-west.
40 "	W. H. Suttor	Baroo, No. 6.
41 "	W. H. Suttor, junr.	Do. E.
42 "	Thomas J. Hawkins	Kangaroo.

TENDERS FOR RUNS.

7

DATE OF TENDER.	NAME OF TENDERER.	NAME OF RUN.
1860.		
43 August ..	John Readford	Cattle Waterhole.
47 " ..	Kirkpatrick and Kinghorn	Eumo.
57 " ..	William Miller	Gourie.
58 " ..	Do.	Morven.
59 " ..	Do.	Leona.
60 " ..	Do.	West Leona.
72 " ..	Horatio Beckham	Kolkibertoo, South, Block A.
15 September..	Donald Munro	Scrub Land.
19 " ..	Horatio Beckham	Kolkibertoo, Block A.
20 " ..	E. R. and J. Curr	Warrabillong.
27 " ..	Joseph J. Phelps	Toorcoitya.
28 " ..	Do.	Purrona.
29 " ..	Do.	Pallacarie.
35 " ..	James Scott	East Nungu.
36 " ..	Do.	North do.
38 " ..	Do.	West do.
40 " ..	Do.	Outer do.
53 " ..	Vincent Dowling	Moco Barungha, No. 4.
55 " ..	Do.	Do. No. 8.
56 " ..	Do.	Do. No. 6.
64 " ..	Do.	Do. No. 1.
65 " ..	Do.	Do. No. 7.
66 " ..	Do.	Do. No. 2.
67 " ..	Do.	Do. No. 5.
70 " ..	Do.	Do. No. 3.
14 October ..	Loren Dana	Ohio.
15 " ..	Do.	Towa.
16 " ..	Do.	Texas.
25 " ..	Edward M. Curr	Burthung, No. 1.
26 " ..	Do.	Eramaran, No. 1.
27 " ..	Do.	Do. No. 2.
28 " ..	Do.	Burthung, No. 2.
29 " ..	Henry O. McCormack	Stoney Hills.
32 " ..	Do.	Kangaroo Forest.
41 " ..	M. Norris and W. Bowman	Monkey Waterhole.
14 November..	William Millar	Drumlog.
18 " ..	Samuel Smith	Dunlop's Range.
30 " ..	T. G. Dangar.. .. .	Narran, No. 3.
37 " ..	William Millar	Ryeland.
38 " ..	T. G. Dangar.. .. .	Narran, No. 1.
39 " ..	Do.	Do. No. 2.
42 " ..	E. J. Bloxham	Toorale, No. 1, Back Run.
43 " ..	Do.	Do. No. 2, do.
44 " ..	Do.	Do. No. 4, do.
45 " ..	Do.	Do. No. 5, do.
46 " ..	Do.	Do. No. 6, do.
47 " ..	William Millar	Lambhill.
49 " ..	Do.	London.
53 " ..	James White.. .. .	Narran, Back Run, West.
62 " ..	G. W. Lord	Loondy.
66 " ..	F. J. Bloxham	Toorale, No. 3, Back Block.
67 " ..	C. Jones and J. Macdonald.. .. .	Wondo.
69 " ..	John Blackstone	Lower Yotic.
92 " ..	Arthur Graham	Mallay Plain.
98 " ..	Do.	Weguglar.
103 " ..	James Vincent	Major's Waterhole.
104 " ..	Henry O. McCormack	Wingu Winguhurt Island.
117 " ..	W. Taylor	Bern.
118 " ..	Do.	Calytria, Block C.
120 " ..	Do.	Do. E.
127 " ..	Robert Cay	Basin Bank.
129 " ..	William Taylor	Calytria, Block D.
133 " ..	Peter M'Gregor	Outer Pammanaroo, North.
134 " ..	Do.	Beyond Outer Winteriga.
137 " ..	Daniel O'Sullivan	Bittarin.
138 " ..	William Taylor	Calytria, Block E.
139 " ..	Robert Cay	Booborowil.
140 " ..	Daniel O'Sullivan	Caleara.
141 " ..	Peter M'Gregor	Outer Pammanaroo, South.
157 " ..	J. J. Phelps	Plassy Plains.
159 " ..	Nicholas Chadwick	Back Lower Maine.
160 " ..	J. J. Phelps	Nummicarie.
165 " ..	Vincent Dowling	The Pelican Ponds, No. 2.
166 " ..	John Kelly	Kelly, Block No. 3.
168 " ..	Vincent Dowling	Urallah, East, Block No. 2.
169 " ..	John Kelly	Kelly, Block No. 2.
170 " ..	Vincent Dowling	The Stoney Ridge, No. 2.
171 " ..	Do.	The Stoney Ridge, No. 1.
172 " ..	Do.	The Pelican Ponds, No. 1.
173 " ..	Do.	The Stoney Ridge, No. 3.
174 " ..	Do.	Coorallic, West.
178 " ..	Do.	The Pelican Ponds, No. 3.
179 " ..	Do.	Uralla, East, No. 1.
181 " ..	Do.	The Clear Water, West.
182 " ..	Do.	The Stoney Ridge, No. 4.
183 " ..	John Kelly	Kelly, Block No. 4.
185 " ..	Vincent Dowling	Uralla, West, Block No. 2.
187 " ..	Do.	Urallah, West, No. 1.
189 " ..	Do.	Coorallic, East.
191 " ..	John Kelly	Kelly, Block No. 1.
5 December..	William West	Uantnoo.
11 " ..	Wm. H. Hill	Block C.

TENDERS FOR RUNS.

DATE OF TENDER.	NAME OF TENDERER.	NAME OF RUN.
1860.		
12 December ..	A. M. Anderson	Block No. 2.
13 " ..	Wm. H. Hill	Do. No. 2.
14 " ..	Jas. and R. Gibson	Garibaldi.
19 " ..	Wm. H. Hill	Block No. 1.
20 " ..	A. M. Anderson	Back Lang Boya, No. 1.
21 " ..	Wm. H. Hill	Block B.
23 " ..	G. W. Lord	Block C, or Looden.
24 " ..	Wm. H. Hill	Do. A.
28 " ..	Jas. and R. Gibson	Emmanuel.
30 " ..	James Coleman	Cole.
31 " ..	Do.	New Bogra.
43 " ..	R. S. Anderson	Emerald, No. 4.
45 " ..	Nesbitt Cockburn	Emerald, No. 2.
47 " ..	Hugh Glass	Kenwing Spring.
48 " ..	Wm. H. Anderson	Emerald, No. 3.
49 " ..	Edward H. Acres	Wigella.
52 " ..	Do.	Mullawoolka, West.
53 " ..	William Cockburn	Emerald, No. 1.
54 " ..	Edward H. Acres	Mullawoolka, East.
70 " ..	G. A. Carstairs	Mount Browne.
71 " ..	Do.	Preparation Creek.
72 " ..	William Wright	Burke.
73 " ..	Do.	Poole.
74 " ..	Do.	Ulila.
75 " ..	Do.	Willi Willi.
76 " ..	Do.	Baranda.
77 " ..	Do.	Warrigal.
78 " ..	R. B. Haverfield	Gregory.
79 " ..	Do.	Stuart.
80 " ..	Do.	Müller.
1861.		
2 January ..	Charles Edwards	East Torowoto Swamp, No. 2.
5 " ..	John Morgan	West Worrominto Creek Run, No. 2.
6 " ..	Do.	Do. do. No. 1.
7 " ..	R. B. Haverfield	Yambra.
8 " ..	Do.	Nevra.
9 " ..	Do.	Galliloo.
11 " ..	Do.	Torowootoo.
13 " ..	John Morgan	East Worrominto Creek Run, No. 1.
14 " ..	Charles Edwards	West Torowoto Swamp Run, No. 1.
15 " ..	Do.	Torowoto Swamp Run, East, No. 1.
16 " ..	John Morgan	East Worrominto Creek Run, No. 2.
17 " ..	Charles Edwards	West Torowoto Swamp Run, No. 2.
19 " ..	Francis Cadell	Wells.
24 " ..	G. T. and F. W. Suttor	Onondoo.
25 " ..	Francis Cadell	Paldromatty.
26 " ..	Do.	Belnoya.
27 " ..	Do.	Wanawunty.
29 " ..	J. P. Jones	Wearawaranga.
39 " ..	Henry Rourke	Dunglear, Back Block, No. 1.
40 " ..	Do.	Do. do. No. 2.
48 " ..	Henry Langley	Langley, Block No. 2.
45 " ..	T. G. Dangar	Narran, No. 4.
46 " ..	Henry Langley	Langley, Block No. 2.
48 " ..	T. G. Dangar	Wigil Wigil.
49 " ..	Do.	Wigil Wigil, Back.
50 " ..	Henry Langley	Langley, No. 1 Block.
51 " ..	T. G. Dangar	Narran, No. 5.
54 " ..	Henry Langley	Langley, Block No. 1.
63 " ..	Collins and Barber	Mourootha.
65 " ..	Henry Kelly	Outer Upper Tharawagla.
66 " ..	Do.	Outer Lower do.
67 " ..	Do.	Outer Middle do.
1 February ..	R. K. Hammond	Grant, Block V.
2 " ..	Do.	Do. do. C.
3 " ..	Do.	Do. do. E.
4 " ..	Do.	Do. do. P.
5 " ..	Do.	Do. do. M.
6 " ..	Do.	Do. do. N.
7 " ..	Do.	Do. do. S.
8 " ..	Do.	Do. do. D.
9 " ..	Do.	Do. do. I.
10 " ..	Do.	Do. do. T.
12 " ..	Do.	Do. do. B.
13 " ..	Do.	Do. do. F.
14 " ..	Do.	Do. do. Q.
15 " ..	C. W. Ligar	Outer Papetertor, East.
17 " ..	Do.	Hokianga.
18 " ..	Do.	Wangaroa.
19 " ..	Do.	Kaipara.
20 " ..	Do.	Waiho.
21 " ..	Do.	Hokianga.
22 " ..	R. K. Hammond	Grant, Block G.
23 " ..	Do.	Do. do. H.
24 " ..	C. W. Ligar	Coromandel.
25 " ..	Do.	Kanwan.
26 " ..	Do.	Aotea.
27 " ..	Do.	Matakana.
28 " ..	Do.	Mahurangi.
29 " ..	Do.	Wangaroa.
30 " ..	Do.	Outer Back Roto, North.

TENDERS FOR RUNS.

DATE OF TENDER.	NAME OF TENDERER.	NAME OF RUN.
1861.		
31 February	Robert Mayne	Outer Roto, North.
32	C. W. Ligar	Outer Back, Wangaroon.
33	Do.	Outer Wangaroon.
34	Do.	East Wangaroon.
35	Do.	Outer East Wangaroon.
40	T. G. Dangar	Thulyng.
41	W. H. Hill	Wamell.
42	F. M. Hill	Block B.
43	Do.	Do. A.
57	A. Dight and S. B. Dight	Little Brigalow.
59	Charles Fartiere	Lalate, South.
88	Charles Ryan	Kilfera, Block H.
91	C. W. Ligar	Totara North, Block A.
92	Do.	Do. do. B.
93	Do.	Do. do. C.
94	Do.	Rankin's Hill, No. 6, Block A.
95	Do.	Do. do. B.
96	Do.	Do. do. C.
97	Do.	Do. do. D.
98	Do.	Do. do. E.
99	Do.	Do. No. 4, Block A.
100	Do.	Do. do. B.
101	Do.	Do. do. C.
102	Do.	Do. do. D.
103	Do.	Do. do. E.
104	Do.	Do. do. F.
105	Do.	Do. No. 5, Block A.
106	Do.	Do. do. B.
107	Do.	Do. do. C.
108	Do.	Do. do. D.
109	Do.	Do. do. E.
110	Do.	Do. do. F.
111	Do.	Do. No. 3, Block A.
112	Do.	Do. do. B.
113	Do.	Do. do. C.
114	Do.	Do. do. D.
115	Do.	Do. do. E.
116	Do.	Do. do. F.
119	Do.	Outer Turlee, Block C.
120	Do.	East Albamarle, do. A.
121	Do.	Do. do. B.
122	Do.	Do. do. C.
123	Do.	Do. do. D.
124	Do.	Waitematta, No. 2, Block A.
125	Do.	Do. do. do. B.
126	Do.	Rankin's Hill, do. do. A.
127	Do.	Do. do. do. B.
128	Do.	Do. do. do. C.
129	Do.	Do. do. do. D.
130	Do.	Do. do. do. E.
131	Do.	Outer Gall Gall, Block D.
132	Do.	Do. do. C.
133	Do.	Do. do. B.
134	Do.	Do. do. A.
135	William McClary	Meola, Block G.
136	Do.	Do. do. F.
137	Do.	Do. do. E.
138	Do.	Do. do. D.
139	Do.	Do. do. C.
140	Do.	Do. do. B.
141	Do.	Do. do. A.
142	Do.	Drury, do. A.
143	Do.	Do. do. B.
144	Do.	Do. do. C.
145	Do.	Do. do. D.
146	Do.	Do. do. E.
147	C. W. Ligar	Durban's Group, No. 2, Block A.
148	Do.	Do. do. do. B.
149	Do.	Do. do. do. C.
150	Do.	Do. do. do. D.
151	Do.	Do. do. do. E.
152	Do.	Rankin's Hill, No. 1, Block B.
153	Do.	Do. do. do. A.
154	Do.	Dunlop Group, do. do. D.
155	Do.	Durban's Group, No. 1, Block C.
156	Do.	Do. do. do. B.
157	Do.	Do. do. do. A.
158	Do.	Waitematta, No. 1, Block A.
159	Do.	Do. do. do. B.
160	Charles Ryan	Kilfera, Block M.
161	Do.	Do. do. K.
162	J. V. A. Bruce	Bruce's Plain, No. 1.
163	Do.	Do. No. 2.
164	Do.	Do. No. 3.
165	Charles Ryan	Kilfera, Block E.
166	Do.	Do. do. Q.
167	Do.	Do. do. C.
168	Do.	Do. do. F.
169	Do.	Do. do. G.
170	Do.	Do. do. I.

TENDERS FOR RUNS.

DATE OF TENDER.	NAME OF TENDERER.	NAME OF RUN.
1861.		
181 February ..	R. K. Hammond	Grant, Block R.
182 " ..	Do.	Do. do. J.
183 " ..	Do.	Do. do. U.
184 " ..	Do.	Do. do. L.
185 " ..	Do.	Do. do. K.
186 " ..	D. Ferguson	Donald Plains, Block A.
187 " ..	Do.	Do. do. B.
188 " ..	Do.	Do. do. D.
189 " ..	Do.	Do. do. L.
190 " ..	Do.	Do. do. C.
191 " ..	Do.	Do. do. E.
192 " ..	Do.	Do. do. F.
193 " ..	Do.	Do. do. G.
194 " ..	Do.	Do. do. H.
195 " ..	Do.	Do. do. I.
196 " ..	Do.	Do. do. J.
197 " ..	Do.	Do. do. K.
198 " ..	William Nash	Outer Back Mythes, Block A.
199 " ..	Do.	West Panban, Block A.
200 " ..	Do.	Do. do. B.
202 " ..	Do.	West Paringi, do. A.
204 " ..	Do.	North Paringi, do. A.
205 " ..	Do.	Do. do. B.
207 " ..	Do.	Outer Back Turlee, Block B.
208 " ..	Do.	Do. do. C.
209 " ..	Do.	East Tarcoola, do. A.
211 " ..	Do.	South Panban, do. A.
213 " ..	Do.	Outer Back Mythes, do. B.
214 " ..	Do.	North Mythes, do. A.
215 " ..	Do.	Do. do. B.
216 " ..	Do.	Do. do. C.
217 " ..	Do.	Outer Back Tarcoola, do. A.
218 " ..	Do.	Do. do. E.
219 " ..	Do.	Back Bullanmong, do. A.
220 " ..	Do.	Do. do. B.
223 " ..	Do.	North Turlee, do. A.
225 " ..	Do.	South Gall Gall, do. A.
228 " ..	Hugh Glass	Crowl Creek, Block No. 6.
229 " ..	Do.	Do. do. No. 7.
230 " ..	Do.	Do. do. No. 8.
231 " ..	Do.	Do. do. No. 9.
232 " ..	Do.	Do. do. No. 10.
238 " ..	R. K. Hammond	Grant, Block O.
239 " ..	John Filson	Mordie, do. A.
240 " ..	Do.	Do. do. B.
241 " ..	Do.	Do. do. C.
242 " ..	Do.	Do. do. D.
243 " ..	Do.	Monee, do. A.
244 " ..	Do.	Do. do. B.
245 " ..	Do.	Yara, do. A.
246 " ..	Do.	Greenough Hill, No. 1, Block C.
247 " ..	Do.	Do. do. do. A.
248 " ..	Do.	Do. do. do. B.
249 " ..	Do.	Do. No. 2, do. A.
250 " ..	Do.	Do. do. do. B.
251 " ..	Do.	Do. do. do. C.
252 " ..	Do.	Do. No. 3, do. A.
253 " ..	Do.	Do. do. do. B.
254 " ..	Do.	Do. do. do. C.
255 " ..	Do.	Do. do. do. D.
256 " ..	Do.	Keilor North, Block B.
257 " ..	Do.	Do. do. C.
258 " ..	Do.	Do. do. D.
259 " ..	Do.	Do. South, do. A.
260 " ..	Do.	Do. do. B.
261 " ..	Do.	Do. do. C.
262 " ..	Do.	Do. do. D.
263 " ..	Do.	Outer Back Carryale, Block A.
264 " ..	Do.	Do. do. B.
265 " ..	Do.	Do. do. C.
266 " ..	Do.	Outer Back Tallyawalka, Block A.
267 " ..	Do.	Do. do. B.
268 " ..	Do.	Keilor North, Block A.
269 " ..	Do.	Back Prunella, do. A.
270 " ..	Do.	Do. do. E.
271 " ..	J. Gavin Duffy	Drumcairn, do. A.
272 " ..	R. B. Mason	Moama, do. M.
273 " ..	Do.	Do. do. N.
274 " ..	Do.	Block O, Moama.
275 " ..	Do.	Moama, Block P.
276 " ..	Do.	Do. do. Q.
277 " ..	Do.	Block R, Moama.
278 " ..	Do.	Do. S do.
279 " ..	Do.	Do. T do.
280 " ..	Do.	Do. U do.
281 " ..	Do.	Do. V do.
284 " ..	Charles Ryan	Kilfera, Block J.
286 " ..	Robert Mayne	Rankin's Hill, East, No. 4, Block F.
287 " ..	Do.	Do. do. do. E.

TENDERS FOR RUNS.

11

DATE OF TENDER.	NAME OF TENDERER.	NAME OF RUN.
1861.		
288 February ..	Robert Mayne	Rankin's Hill, East, No. 4, Block D.
289 " ..	Do.	Do. do. do. C.
290 " ..	Do.	Do. do. do. B.
291 " ..	Do.	Do. do. do. A.
292 " ..	Do.	Do. No. 5, do. F.
293 " ..	Do.	Do. do. do. D.
294 " ..	Do.	Do. do. do. C.
295 " ..	Do.	Do. do. do. B.
296 " ..	Do.	Do. do. do. A.
297 " ..	Do.	Do. do. do. E.
298 " ..	Hugh Glass	Yallock, Block A.
299 " ..	Do.	Do. do. B.
300 " ..	Do.	Do. do. C.
301 " ..	Do.	Do. do. D.
302 " ..	Do.	Yonyang, do. A.
303 " ..	Do.	Do. do. B.
304 " ..	Do.	Do. do. C.
305 " ..	Do.	Do. do. D.
306 " ..	Do.	Do. do. E.
307 " ..	Do.	Do. do. F.
308 " ..	Do.	Do. do. G.
309 " ..	Do.	Mipers, North, Block C.
310 " ..	Do.	Do. do. B.
311 " ..	Do.	Do. do. A.
312 " ..	John Filson	Yara, Block B.
313 " ..	Hugh Glass	Youal, do. B.
314 " ..	Do.	Do. do. A.
315 " ..	Do.	Clare, do. C.
316 " ..	Do.	Do. do. B.
317 " ..	Do.	Do. do. A.
318 " ..	Do.	North Clare, Block C.
319 " ..	Do.	Do. do. B.
320 " ..	Do.	Do. do. A.
321 " ..	Charles Ryan.. .. .	Kilfera, do. L.
322 " ..	Do.	Do. do. D.
323 " ..	Do.	Do. do. A.
324 " ..	Do.	Do. do. N.
325 " ..	Do.	Do. do. B.
326 " ..	Do.	Do. do. G.
327 " ..	Do.	Do. do. P.
328 " ..	R. K. Hammond	Grant, Block A.
1 March ..	William Wright	Wongrabol.
2 " ..	Do.	Mauandra.
13 March ..	Do.	Ulandica.
14 " ..	Do.	Mullageota.
15 " ..	Thomas Osborne	Billabong Forest, B.
18 " ..	James Sweeney	Dugindan.
20 " ..	Charles Cropper	Booregery.
21 " ..	T. G. Dangar	Barwin, No. 1.
22 " ..	Do.	Do. No. 4.
23 " ..	Henry Newcombe	Moggril, Back Block B.
24 " ..	T. G. Dangar	Barwin, No. 3.
28 " ..	Do.	Do. No. 5.
29 " ..	Do.	Do. No. 2.
30 " ..	Henry Newcombe	Mooggu, Back Block.
45 " ..	G. T. & F. W. Suttor	Greenough Group.
57 " ..	C. H. Barber	Hermitage Plains, Block X.
58 " ..	Do.	Do. do. A 1.
59 " ..	Do.	Do. do. Z.
60 " ..	Do.	Do. do. Y.
68 " ..	J. & E. Orr	Block A, Wicklow.
69 " ..	Do.	Do. B, do.
70 " ..	Do.	Do. C, do.
71 " ..	Do.	Do. D, do.
72 " ..	Do.	Do. E, do.
73 " ..	Do.	Do. F, do.
74 " ..	Do.	Do. G, do.
75 " ..	Do.	Do. H, do.
76 " ..	Do.	Do. I, do.
77 " ..	Do.	Do. J, do.
78 " ..	Do.	Do. K, do.
79 " ..	Do.	Do. L, do.
80 " ..	K. E. Brodrigg	Jumbal Plains, Block A.
81 " ..	Do.	Do. do. B.
82 " ..	Do.	Do. do. C.
83 " ..	Do.	Do. do. D.
84 " ..	Do.	Do. do. E.
85 " ..	Do.	Do. do. F.
86 " ..	Do.	Do. do. G.
87 " ..	Do.	Do. do. H.
88 " ..	Do.	Do. do. I.
89 " ..	Do.	Do. do. J.
90 " ..	Hugh Parker	Melrose Plains, Block A.
91 " ..	Do.	Do. do. B.
92 " ..	Do.	Do. do. C.
93 " ..	Do.	Do. do. D.
94 " ..	Do.	Do. do. E.
95 " ..	Do.	Do. do. F.
96 " ..	Do.	Do. do. G.
97 " ..	Do.	Do. do. H.
98 " ..	Do.	Do. do. I.
1 April ..	T. G. Dangar	Narran, No. 8.

TENDERS FOR RUNS.

DATE OF TENDER.	NAME OF TENDERER.	NAME OF RUN.
1861.		
2 April	E. J. Bloxham	North Darling, Back Run, No. 19.
3 "	Do.	Do. do. No. 18.
4 "	Do.	Do. do. No. 17.
5 "	Do.	Do. do. No. 16.
6 "	Do.	Do. do. No. 15.
7 "	Do.	Do. do. No. 14.
8 "	R. M. Hughes	Do. do. No. 30.
9 "	Do.	Do. do. No. 31.
10 "	Do.	Do. do. No. 32.
11 "	Do.	Do. do. No. 32.
12 "	Do.	Do. do. No. 33.
15 "	T. G. Dangar	Narran, No. 6.
16 "	Do.	Do. No. 8.
17 "	Do.	Do. No. 10.
18 "	Do.	Do. No. 7.
20 "	E. J. Bloxham	North Darling, Back Run, No. 24.
21 "	Do.	Do. do. No. 23.
22 "	Do.	Do. do. No. 22.
23 "	Do.	Do. do. No. 21.
24 "	Do.	Do. do. No. 20.
25 "	Do.	Do. do. No. 9.
26 "	Do.	Do. do. No. 10.
27 "	Do.	Do. do. No. 11.
28 "	Do.	Do. do. No. 12.
29 "	Do.	Do. do. No. 13.
30 "	Do.	Do. do. No. 8.
31 "	Do.	Talowla.
34 "	T. G. Dangar	Narran, No. 9.
35 "	E. J. Bloxham	North Darling, Back Run, No. 1.
36 "	Do.	Do. do. No. 2.
37 "	Do.	Do. do. No. 3.
38 "	Do.	Do. do. No. 4.
39 "	Do.	Do. do. No. 5.
40 "	Do.	Do. do. No. 6.
41 "	Do.	Do. do. No. 7.
43 "	Do.	Do. do. No. 25.
44 "	Do.	Do. do. No. 26.
45 "	Do.	Do. do. No. 27.
46 "	Do.	Do. do. No. 28.
47 "	Do.	Do. do. No. 29.
50 "	MacLae and Bennett	Bendigymble.
57 "	J. & H. Osborne	South Mornalong.
58 "	H. & B. Jamieson	Outer Cabrilla.
59 "	E. H. Acres	Bijerk.
60 "	C. Gavin Duffy	Drumcairn, Block B.
61 "	Do.	Do. do. C.
62 "	Do.	Do. do. D.
63 "	Do.	Do. do. E.
64 "	Do.	Do. do. F.
65 "	Do.	Do. do. G.
66 "	Do.	Do. do. H.
67 "	C. H. Barber	Priory Plains, Block A.
68 "	Do.	Do. do. B.
69 "	Do.	Do. do. C.
70 "	Do.	Do. do. D.
71 "	Do.	Do. do. E.
72 "	Do.	Do. do. F.
73 "	Do.	Do. do. G.
74 "	Do.	Do. do. H.
75 "	John Watson	Tara, No. 1, Block A.
76 "	Do.	Do. No. 2, do. B.
77 "	Do.	Do. No. 3, do. E.
78 "	Do.	Do. No. 4.
79 "	Do.	Do. No. 5.
80 "	Do.	Do. No. 3, Block A.
81 "	Do.	Do. No. 2, do. A.
82 "	Do.	Do. No. 1, do. B.
86 "	T. G. Dangar	Upper Cumble.
1 May	A. M. Anderson	Comall.
2 "	Thomas Crampton	Moppenbry, South.
3 "	Do.	The Forest.
8 "	William McLean	Triangle.
9 "	E. H. Acres	Bijerk.
11 "	H. & B. Jamieson	Outer Kambula.
1 June	A. & J. Glass and J. Corrigan	Thalaba, North.
4 "	Collins & Barber	Mullawen.
5 "	Do.	Narrawang.
6 "	Do.	Jerreyhong.
7 "	A. & J. Glass and J. Corrigan	Pazan Plains Minor.
8 "	Do. do.	Eastern Walma.
9 "	Do. do.	Thalaba.
11 "	Francis Jenkins	Brooking Swamp.
13 "	W. C. Slyman	Murrabun, South.
15 "	T. G. Lang	Selkirk.
16 "	Do.	Kirkhope.
17 "	Do.	Corbylum.
18 "	Do.	Whitminhall.
19 "	Do.	Fingland.
20 "	Do.	Etrick Forest.
21 "	Do.	Singbe.

TENDERS FOR RUNS.

13

DATE OF TENDER.	NAME OF TENDERER.	NAME OF RUN.
1861.		
22 June	T. G. Lang	Clairilawmon.
23 "	Do.	Overwells.
24 "	Do.	Langsland.
25 "	Do.	Philiphangh.
27 "	M. H. Black	North Panban.
40 "	Peter McGregor	Mundybah.
42 "	Izett Stewart.. .. .	North Mundonah.
43 "	Do.	Gulthul.
44 "	Do.	Mundonah.
45 "	Do.	North Gulthul.
46 "	Do.	Milparo of Manfred, East.
47 "	Do.	Do., West.
1 July	A. H. Palmer, for representatives of the late Henry Dangar.. .. .	No Man's Land.
2 "	F. N. Bucknell	Gurrotha, South.
3 "	Do.	Cugildool.
4 "	C. W. Bucknell	Doorobuba.
5 "	Do.	Goonmoorool.
6 "	T. G. Dangar.. .. .	Upper Endowra Back.
7 "	Do.	Endowra Back.
11 "	David Melville	Craway Creek, Block No. 1, or Pange.
12 "	Do.	Craway Creek, Block No. 6, or Badinda North.
13 "	Do.	Craway Creek, Block No. 5, or Cooka- mooroon, North.
14 "	Mackay and Dight	Mialora.
15 "	Do.	Maroona.
17 "	Do.	Doradilla.
26 "	David Melville	Craway Creek, Block No. 4, or Pange, North.
28 "	Do.	Craway Creek, Block 3, or Badinda.
31 "	Do.	Craway Creek, Block No. 2, or Cooka- mooroon.
32 "	Do.	Gewerou.
33 "	E. J. Bloxham	Fort Bourke.
35 "	Do.	Fort Bourke, No. 2.
37 "	T. L. Richardson	Eureka.
40 "	E. J. Bloxham	Fort Bourke, No. 1.
43 "	Mackay and Dight	Booda.
52 "	G. E. Mackay	Matara.
55 "	Kossack and Urquhart	Mount Arrowsmith, West.
56 "	Do.	Do., South.
57 "	Do.	Do.
58 "	Do.	South of Mount Arrowsmith, East.
59 "	Do.	Do. do., West.
60 "	Do.	Mount Arrowsmith, East.
62 "	W. C. Slyman	Lower Water.
63 "	Do.	Do.
64 "	F. N. Bucknell	Briglow.
65 "	Do.	Yarranbar.
66 "	C. W. Bucknell	Back Balcori, or New Balcori.
67 "	Do.	East Nowley.
68 "	Do.	West Nowley.
69 "	John Tom	North Gilgunia.
70 "	Do.	Bojira.
71 "	Do.	Crowel Crowel.
72 "	Do.	South Gilgunia.
73 "	Do.	Barrawana.
74 "	Wm. McLean	Gutter Rock.
75 "	Edward Blackman	Warren Waterhole.
2 August	Robert Byers.. .. .	New Balladoon.
3 "	James Bishop	Bolbodana.
14 "	G. R. Glasson	Bobodney.
64 "	Samuel Phillips	Kangaroo.
62 "	G. R. Glasson	Pine Ridge Plain.
65 "	James McEvoy	Uratta, South.
66 "	John Clark	Wiri Wiri.
68 "	Cameron and Gibson	Daubeney.
69 "	Do.	Yeltowongu.
70 "	Do.	Entorn.
71 "	Do.	Montana.
72 "	Do.	Will Will.
73 "	Do.	Lalota.
74 "	J. C. Telford	Multowongu.
75 "	Do.	Poora Poora.
76 "	Do.	Yalt Yalt.
77 "	Do.	Batgoria.
78 "	Do.	Altowa.
79 "	Telford and Robertson	Wildrum.
80 "	Do.	Rose.
81 "	Do.	Lily-lal.
82 "	Do.	Pulka.
83 "	Do.	Glengower.
84 "	Do.	Ancona.
85 "	Do.	Augusta.
86 "	Do.	Wamba.
114 "	Joseph Dunne	Dove Range.
115 "	Do.	Start's Depot Glen.
117 "	Henry Hopwood	Wendi.
119 "	Joseph Dunne	Macpherson, Back Run.
120 "	E. J. Bloxham	

TENDERS FOR RUNS.

DATE OF TENDER.	NAME OF TENDERER.	NAME OF RUN.
1861.		
121 August ..	Joseph Dunne ..	Condala.
122 " ..	Collins and Barber ..	Bobuntinrn.
123 " ..	Do. ..	Mooritchecomeng.
124 " ..	T. G. Dangar ..	Cumberderry, West.
125 " ..	Collins and Barber ..	Balgwoor.
126 " ..	Do. ..	Murrah.
128 " ..	G. W. Lord ..	Block No. 1.
130 " ..	Do. ..	Block No. 3.
131 " ..	T. G. Dangar ..	Cumbeamdgery Back.
132 " ..	Do. ..	Lower Cumbeamdgery Back.
137 " ..	Do. ..	Lower Ginge Back.
164 " ..	G. W. Lord ..	Block No. 2.
7 September..	Do. ..	Gooway.
18 " ..	D. M. Irving ..	Kikabull.
24 " ..	T. G. Dangar ..	Thurumbone Back.
25 " ..	Do. ..	Terembone, No. 1.
26 " ..	Do. ..	Do. No. 2.
27 " ..	Francis Booth ..	Gamallarley.
29 " ..	T. G. Dangar ..	Mitchome Back, No. 1.
30 " ..	Do. ..	Do. No. 7.
31 " ..	Do. ..	Do. No. 3.
32 " ..	Do. ..	Do. No. 3.
33 " ..	Do. ..	Do. No. 4.
34 " ..	Do. ..	Do. No. 5.
35 " ..	Do. ..	Do. No. 6.
36 " ..	Do. ..	Do. No. 21.
37 " ..	A. W. Fraser..	West Yararu.
38 " ..	Do. ..	East Yararu.
39 " ..	Do. ..	Larrup.
40 " ..	Do. ..	West Dhoon.
41 " ..	Do. ..	Yarba.
42 " ..	Peter McGregor ..	Woorangil Plain.
43 " ..	A. W. Fraser..	West Popiga.
44 " ..	Do. ..	Milang, West.
45 " ..	Do. ..	Meroo.
46 " ..	Do. ..	Yavan.
47 " ..	Do. ..	Manu Run.
48 " ..	Matthew Palmer ..	Brockhope.
49 " ..	Do. ..	Bowshill.
50 " ..	Do. ..	Thirlstanc.
51 " ..	Do. ..	Fishylaw.
52 " ..	Do. ..	Kossershill.
53 " ..	Do. ..	Midgehope.
54 " ..	Do. ..	Midgeclinch.
55 " ..	Do. ..	Shorthope.
61 " ..	Duncan Brown ..	Yabtrec.
62 " ..	Do. ..	Yam.
63 " ..	Do. ..	Langar.
64 " ..	Do. ..	Bungaree.
65 " ..	Do. ..	Colac.
66 " ..	Do. ..	Yeithra.
67 " ..	A. W. Fraser..	Lara.
68 " ..	Do. ..	West Yarbala.
70 " ..	J. H. Wheelwright ..	Eildon.
71 " ..	Do. ..	Ashkirk.
72 " ..	Do. ..	Riddle.
73 " ..	Do. ..	Haining.
74 " ..	Do. ..	Deloraine.
75 " ..	T. P. Fenner ..	Darnick.
76 " ..	Do. ..	Fowlshielo.
77 " ..	Do. ..	Racburn.
96 " ..	S. J. Loring ..	Pinelands.
97 " ..	W. F. Martin ..	Twelve Mile Creek.
98 " ..	John Waugh ..	Billibong, Back Block.
99 " ..	D. M. Irving..	Old Harbour.
1 October..	Francis Cadell ..	Palmood.
2 " ..	Do. ..	Mildra.
3 " ..	Do. ..	Cooba.
4 " ..	Do. ..	Ceilia.
5 " ..	Do. ..	Toomba.
6 " ..	Do. ..	Walloon.
7 " ..	Do. ..	Wilkan.
8 " ..	Do. ..	Rio.
9 " ..	Do. ..	Doonee, West.
10 " ..	Do. ..	Larrup.
11 " ..	Do. ..	Parka.
12 " ..	John F. Dowling ..	Ninecara Left.
13 " ..	Francis Cadell ..	Corta.
14 " ..	Do. ..	Pyangil.
16 " ..	H. and B. Jamieson ..	Yancangay, No. 3.
19 " ..	Do. ..	Do. No. 2.
20 " ..	Do. ..	Do. No. 1.
21 " ..	Francis Cadell ..	Tinca.
22 " ..	Daniel J. O. Sullivan ..	Moonboole.
25 " ..	Francis Cadell ..	Murn.
29 " ..	R. R. Haverfield ..	Tyin.
30 " ..	Do. ..	Wertago.
33 " ..	Francis Cadell ..	Fort Grey.
34 " ..	Do. ..	Folce.

TENDERS FOR RUNS.

15

DATE OF TENDER.	NAME OF TENDERER.	NAME OF RUN.
1861.		
35 October...	Francis Cadell	Frome.
36 " .. .	Do.	Tyntyne.
39 " .. .	R. R. Haverfield	Karicool.
39 " .. .	Do.	Yerndambool.
40 " .. .	Do.	Yoongaulgra.
41 " .. .	Do.	Karoly Booria.
42 " .. .	Do.	Kerndombie.
43 " .. .	Do.	Kandie.
44 " .. .	Francis Cadell	Queneecole.
45 " .. .	Do.	Doonce, East.
46 " .. .	Do.	Yangra.
47 " .. .	John F. Dowling	Ninicara Right.
52 " .. .	R. R. Haverfield	Kerno.
53 " .. .	A. H. Palmer, for Grace Dangar ..	Rubycon, North.
54 " .. .	A. C. Bartlett	Brigalow.
57 " .. .	A. W. Fraser.. .. .	Captain Henry's Camp.
58 " .. .	Do.	Tontamin.
59 " .. .	Do.	Kudgu.
60 " .. .	R. R. Haverfield	Harriette Plains, East.
61 " .. .	Do.	Harriette Plains.
62 " .. .	Do.	Harriette Plains, West.
63 " .. .	Joseph Dunne	Beyond Outer Paringi Gaari.
64 " .. .	A. W. Fraser.. .. .	Nadbuck, West.
65 " .. .	Do.	Do. East.
66 " .. .	Joseph Dunne	Mitta.
67 " .. .	Do.	Beyond Outer Paringi Gaari.
69 " .. .	Stewart Rylie	Backbone, Block No. 4.
71 " .. .	A. W. Fraser.. .. .	Rantya.
72 " .. .	Do.	Cambellia.
73 " .. .	Do.	Kalkyne.
74 " .. .	Do.	Fine Ridge.
75 " .. .	Do.	Oak Forest.
76 " .. .	Stewart Rylie	Backbone, Block No. 2.
77 " .. .	Do.	Do. Block No. 3.
78 " .. .	A. W. Fraser	Tinicra.
79 " .. .	Do.	South Tha.
80 " .. .	Do.	West Wall.
81 " .. .	Do.	East Wall.
82 " .. .	Do.	Ennore.
83 " .. .	Do.	North Tha.
84 " .. .	A. W. Fraser	Barnba.
85 " .. .	Joseph Dunne	West Mitta.
86 " .. .	Do.	South Mitta.
87 " .. .	Stewart Rylie	Backbone, Block No. 1.
88 " .. .	A. W. Fraser	Kyalite.
89 " .. .	Alexr. Thomson	Kirk Vale, No. 2.
90 " .. .	Do.	Do. No. 3.
91 " .. .	Wm. Tyson, jun.	Benalkey.
92 " .. .	Geo. Reynolds	West Mandamar.
93 " .. .	Alexr. Thomson	Kirk Vale, No. 4.
94 " .. .	Do.	Do. No. 6.
96 " .. .	William West	Warranary, South.
97 " .. .	T. Richards and E. W. Higgins ..	Overall Frontage.
99 " .. .	Wm. West	Warrynara, West.
100 " .. .	John Downie.. .. .	Canterbury.
101 " .. .	Do.	Erron.
102 " .. .	Do.	Somerset.
103 " .. .	Do.	Craddock.
104 " .. .	Do.	Moriah.
105 " .. .	Alexr. Thomson	Kirk Vale, No. 1.
106 " .. .	George Hillas	Lalalte.
108 " .. .	Daniel Sullivan	Yarraer.
109 " .. .	Michael Healy	Back Bourbah.
118 " .. .	Joseph B. Earp	Warranbarang.
119 " .. .	Thos. Hungerford	Cowell Back.
124 " .. .	T. G. Dangar	North Ulah.
128 " .. .	David Wilson	Glenariffe, Block A.
129 " .. .	Do.	Do. do. D.
130 " .. .	Do.	Do. do. E.
131 " .. .	Do.	Do. do. H.
132 " .. .	W. H. Clements	The Crab Hoies.
133 " .. .	David Wilson	Glenariffe, Block C.
134 " .. .	Wm. H. Clements	Backwood.
136 " .. .	T. G. Dangar	Wammerawah.
137 " .. .	Do.	Borenita.
138 " .. .	John Brown	Ingeburrama.
140 " .. .	W. H. Clements	Carbowell, West.
141 " .. .	David Wilson	Glenariffe, Block G.
142 " .. .	Do.	Do. do. B.
143 " .. .	David Wilson	Do. do. F.
144 " .. .	John Downie.. .. .	Theopolis.
1 November..	G. Tate	Back Brinda, Dry Country.
2 " .. .	W. and G. Colless	Billabong.
3 " .. .	E. J. Bloxham	Back Mulla Mulla, No. 1.
4 " .. .	R. Gibson	Barbiston, North.
6 " .. .	Do.	Barbiston, South.
7 " .. .	E. J. Bloxham	North Darling, Back Run, No. 36.
9 " .. .	Do.	West Barrona, No. 1.
10 " .. .	Do.	North Darling, Back Run, No. 35.
11 " .. .	Do.	West Barrona, No. 2.
12 " .. .	Do.	Back Mulla Mulla, No. 2.

TENDERS FOR RUNS.

DATE OF TENDER.	NAME OF TENDERER.	NAME OF RUN.
1861.		
16 November..	J. Moseley	North Millie, Western Block.
22	W. and G. Colless	Jinalong Josey.
24	J. Rawsthorn	Jimmy Jimmy.
26	J. Neal	Dawdable (West Bogan.)
27	J. Rawsthorn	Gerdo.
31	W. A. Brodribb	Wagara Block.
32	W. Wall	Bunogadore.
1 December ..	C. Kent	Upper Cooplacurrapa.
2	Do.	Upper Mumble.
3	W. and R. H. Denne	Mumble (part of Cooplacurrapa Run.)
4	Do.	Nowendock (part of Cooplacurrapa Run.)
5	Do.	No. 2 River (part of Cooplacurrapa Run.)
6	H. Flott	Kangaroo Flat.
7	C. Kent	Upper Cooplacurrapa.
8	R. Searle	Nerrawitch.
9	C. Kent	Upper Mumble.
12	M. Alison	Muolma Creek.
13	G. J. and A. Codrington	No Man's Land.
14	J. D. Brown	North Tercela.
15	Do.	Bogora.
16	J. Moseley	Mille Plains or Mille North, East Block.
17	A. H. Palmer for Grace Dangar	Curragh, No. 2.
19	Do.	Curragh.
20	Do.	Do. No. 3.
21	J. Moseley	Mille North, North Block.
26	G. and J. Palmer	Limestone Plains.
27	J. Dargin	Borra.
28	J. Crozier	Outer Tooran.
31	W. E. P. Giles	Kilpara.
32	Do.	Tarawonda.
38	R. A. Barber	Tongowoko.
39	Do.	Reid's Lake.
41	W. A. Brodribb	Wagara Block.
42	G. Hillas	Nangunya.
44	T. Richards and E. W. Higgins	Yandomin.

Crown Lands Occupation Office,
Sydney, 13 August, 1862.

A. ORPEN MORIARTY,
Chief Commissioner Crown Lands.

No. 2.

RETURN of Tenders for Runs up to the 31st December, 1861, on which the Deposit required under the 50th Clause of the Regulations of 1st November, 1861, has not been paid.

DATE OF TENDER.	NAME OF TENDERER.	NAME OF RUN.
1848.		
14 February ..	John Peter	North Boyonga or Bonderonga.
12 July	Edwd. Finch	Barwin.
7 November..	S. Sadler and W. Leaney	Lumella.
11	E. Hungerford, junr.	Walla Back Run.
23	G. L. Huon	Gum Swamp.
1849.		
8 January ..	D. Bonworth	Googoora.
23 April	E. Rouse	Gunjarry.
31 June	J. Jackson	Murraritarrah.
38 September..	H. Burchit	Clear Hill, South Boridgeree.
18 November..	M. Scott	Wamarahwah.
1850.		
25 January ..	R. Eather	Whorlmer.
32	J. Hall	Willery.
65	A. A. Huon	Clear Hill.
66	Do.	Do.
17 February ..	D. Baldwin	Billa.
21 March	H. K. Daly	
14 June	J. B. Rundle	Undercliff.
22	W. Lawson	
23	J. Onus	Neverfail.
25	T. Eather, senr.	(Unknown.)
26	Atkins and Bather	Mullingdade.
27	M. Griffiths	Muggaree.
29	J. Onus	Buggaril.
39	J. Manning	Quondary.
53 July	C. Hugheston	Marulo Creek.
56 August	J. Lyunt	Wommagal.
59	P. Adamson	Barriwul.
60	H. Baldwin	Gunnathaby.
61	Do.	Pidgegangindy.
63	R. Skuthorpe, junr.	Tootha.
64	Do.	Thurra.
114	S. Reeves	Willis.
62 September..	J. Pictou	Bigroy.
67	B. Rickards	Miamongalimdi.
68	Do.	Do.
47 November..	D. E. O'Sullivan	Wamarawagh.
23 December..	Joseph Browne	(Unknown.)
33	William Bass	Bullagutta.
34	Do.	Mulger.

TENDERS FOR RUNS.

17

DATE OF TENDER.	NAME OF TENDERER.	NAME OF RUN.
1850.		
35 December..	John Neville	Kerkic.
36 " ..	Do.	Gidger.
61 " ..	George Sherwin	Billyhong Forest.
1851.		
57 January ..	John Ezzey	Tootha.
58 " ..	William Deacon	Tootha Waterhole.
62 " ..	Charles Button	Gunathaba.
63 " ..	Do.	Therrie.
66 " ..	Joseph Pearce	Nunda Springs.
69 " ..	Michael Cummings	Warrec.
93 " ..	Charles Hudson	Gallederry, No. 2.
13 February ..	John Dolie	Tempi.
33 " ..	James M'Lachlan	Dillick Nurra.
21 March ..	John Johnston	Ganni Gumbibri.
22 " ..	D. M'Lean and J. Harthill..	Nindo Springs.
26 " ..	John Paterson	Cler Waa.
27 " ..	James Coleman	Whyaberor.
38 April ..	Do.	Wyabbara.
44 " ..	R. W. Vyner	Clear Hill.
75 May ..	William Sherwin	Tantangra.
83 " ..	H. J. A. Taylor	Tantangara.
84 " ..	Wm. C. Herbert	Kiandara.
85 " ..	Do.	Kankangaroo.
90 " ..	A. M'Cullum and Wm. Ross	Meilparo.
34 June ..	John Hoskinson	Slaughterhouse Creek.
35 " ..	William Sharpe	Black Mountain Creek.
42 " ..	Maurice Hennessey	Illing Illing.
54 " ..	Joseph Kenyon, junr.	Timbegan.
55 " ..	C. Horsley and E. Craske ..	Gibson's Plain.
47 July ..	Charles Doyle	Quanboue.
11 August ..	John Johnston	Gori.
17 September..	William Freeman	Langleybury.
13 October ..	Charles Button	Gunatha.
16 " ..	John Gillies	Goan.
18 " ..	R. B. Dalhanty	Elong Elong.
20 " ..	R. B. Dalhanty	Baltimore.
30 " ..	John Coleman	Bradbow.
8 November..	Wm. Wilson	Mogcmul.
9 " ..	James Coleman	Weringerrigel.
1852.		
6 January ..	H. B. Fitz	Undercliff or Rocky River Glen.
4 February ..	Do.	Undercliff.
6 " ..	Do.	Booncooboo Creek.
8 April ..	James Coleman	Cole.
6 May ..	William Freeman	Langleybury.
7 " ..	Maurice Hennessey	Wamcrawha.
8 June ..	C. H. Fawcett	Tyalgum.
12 " ..	David Hull	Kyeamba Island.
12 July ..	C. H. Fawcett	Tyalgum.
4 August ..	Walter Hindmarsh	Bondoin.
8 " ..	Hy. E. Michel	M'Inlay's Old Run.
50 October ..	D. Ramsey	Lower Moorai.
51 " ..	Do.	Morai.
18 November..	D. Martin	Gavings, formerly Whittingbah.
1853.		
8 February ..	Andrew Murray	Canowley.
19 June ..	Edward Norton	Peacock's Creek.
13 July ..	Wm. Yabsley	Devenport.
14 " ..	J. and E. Orr	Cookabey or Anoryons.
29 September..	B. Rickards	Willon.
14 November..	William Beit	Tilgrivil and Blangrey.
34 " ..	C. N. Bagot	Cagellica.
1854.		
9 February ..	Archibald Meston	Moomalt.
54 April ..	James White.. .. .	Willow.
112 September..	B. Rouike and T. Delany ..	Adecumbene.
53 October ..	David Ramsay	Lower Gurmowha.
54 " ..	Do.	Upper Gurmowha.
40 November..	Joshua Eason	Dickhobble.
21 December..	G. and A. Loder	Burran Plains, East.
22 " ..	Do.	Do. West
1855.		
65 January ..	Thos. O'Keil	Marool Creek.
66 " ..	Do.	Do.
19 February ..	T. G. Dangar	Cumbrah Springs.
36 March ..	W. Baldwin	Goonathabie.
52 May ..	W. J. Forrester	Terranary.
23 June ..	Joshua Eason	Capit.
39 " ..	John Grierson	Dry Lake Run.
27 July ..	Henry Eager.. .. .	Imberge.
26 September..	Michael Cummings	Denehong.
33 " ..	Edward Grainger	New Corrodgerry.
34 " ..	Michael M'Guinness	Back Creek.
49 " ..	Phelps and Chadwick	North Patapong.
20 October ..	John Davis	Moulla Ridges.
21 " ..	Thomas Purvis	Manger.
25 November..	George Forrester	Imbegua.
29 " ..	Emanuel Jonas	Weeta Waa, North.
65 " ..	Wm. M'Lean	Kippirbia.
28 December..	James Wilson, junr.	Tullegar.

TENDERS FOR RUNS.

DATE OF TENDER.	NAME OF TENDERER.	NAME OF RUN.
1855.		
39 December..	P. Hennessy	Tuppal, Block A.
44 " ..	J. J. Phelps	Upper Patapong Plains.
1856.		
20 January ..	E. K. Cox	Goangra Retro.
11 February ..	Geo. Forrester	Tultier.
18 March ..	K. and V. Cox and W. Lewis	Durall.
31 April ..	James Hall	Umolo.
6 June ..	O. Fry	Tullibadgery.
12 " ..	W. G. M'Guiggin	Uranbah.
26 July ..	Jas. M'Phillamy	Cookaminnia.
28 " ..	Richard Bligh	Angoonal.
70 " ..	Wm. M'Lean, junr.	Galla Galla.
71 " ..	Do.	Bantantra.
32 August ..	J. N. Nevell	Black Stump.
39 " ..	C. T. and J. C. Bagot	Warren.
76 September..	J. C. Page	Black Stump.
97 " ..	Geo. Mawson.. .. .	Warrawenee.
69 October ..	Geo. W. Lord.. .. .	Upper Mulgutherie.
48 November..	R. R. Haverfield	Harriette Plains.
1857.		
46 January ..	J. T. Bell	Bandycoot.
47 " ..	A. Brown	Yootulbung.
4 February ..	Wm. Kerrigan	Jews' Lagoon, or Boggy Creek.
7 " ..	G. A. and J. Loder	Billeboo.
25 " ..	W. and S. Kennedy	Milkimi.
18 March ..	Geo. Forrester	Imbegua.
30 " ..	J. N. Nevell	Gamyall Gonyah.
32 " ..	M. Lowe	Tallegar and Mooroombye.
37 " ..	J. Bleckmore.. .. .	Ford's Creek.
40 " ..	J. F. Clements	North Burrowang.
13 April ..	W. Allingham, junr.	Chaukendull.
14 " ..	J. Hindmarsh	Wammackal.
16 " ..	G. Olive	Woomergull.
28 " ..	C. E. S. Macdonald	Brewer Ridges.
29 " ..	G. Matthews	Calarewa.
31 " ..	C. E. S. Macdonald	Derriman.
32 " ..	T. Boyle	Bandikoot.
33 " ..	J. C. Tibbitts.. .. .	Manger Waterhole.
41 " ..	H. Gordon	Warri.
44 May ..	J. W. Lloyd	Moollan.
47 " ..	J. Weston and J. Hyland	Colga Creek.
52 " ..	W. Regan	Waggan Lagoon.
53 July ..	Geo. Colless	Between Milleray and Ulah.
58 " ..	A. B. Morgan.. .. .	Yalgogoring.
23 August ..	Richard Bligh	Bielsdonne.
23 " ..	Thos. Hoskinson	Coogallah.
29 " ..	Jno. Spink Johnston.. .. .	Crudee.
30 " ..	Wm. F. Buchanan	Collingo.
31 " ..	George Forrester	Lower Imbegua.
32 " ..	Do.	Upper do.
35 " ..	Michael Boyle	Galga.
40 " ..	Edward Bingham	Kurdee.
72 " ..	David Ramsay	Malagadery Springs.
73 " ..	Do.	Mereywa.
16 September..	J. H. Gannon	Genyces Creek.
22 " ..	Wm. Bowman	Backline, or Merri Merri Creek.
28 " ..	Do.	Marthagy.
29 " ..	Do.	The Mollie.
31 " ..	Do.	Back Run, East of the Mollie.
34 " ..	Do.	Back Run, on Merri Merri Creek, at the Mollie.
62 " ..	John Spicer	Outer Budda.
63 " ..	Do.	Outer Merry.
69 " ..	Do.	Outer Junga.
73 " ..	Do.	Junga.
23 October ..	Geo. Smith	Merry Merry.
27 " ..	John Gilles	Goan.
28 " ..	J. F. Wilson	Carwell.
29 " ..	Eliza Dulhunty	North Ballamore.
30 " ..	J. C. Page	New Bobbrinar.
31 " ..	H. Cameron	Binnawa.
46 " ..	E. J. Spence and J. G. Morley	The Back Run of Juno.
50 " ..	J. M. Sanger	Tit-for-Tat.
7 November..	T. Icely and E. J. Spence	The Back Run of Bundar.
9 " ..	W. Robinson	Little Mullan.
11 " ..	T. Icely and E. J. Spence	The Back Run of Gamber.
16 " ..	D. Macrae	Boocrader.
20 " ..	Jas. Skinner	Skinnerville.
23 " ..	E. Sharpe	New Lock-na-Gaa.
25 " ..	S. Smith	Thollallaboy and Tellellaboy.
28 " ..	T. Icely and E. J. Spence	The Back Run of Banga.
34 " ..	Do. do.	The Back Run of Manwanga.
64 " ..	Do. do.	Back Bun of Jandra.
63 December..	W. W. Bucknell	No. 2 North Gulgore.
69 " ..	E. Sharpe	New Lock-na-Gaa.
71 " ..	James Coleman	Gunnine Pear.
78 " ..	Do.	Bankeet.
79 " ..	Do.	Upper Bankeet.
98 " ..	Geo. Butler Fletcher	The Creek Station.

TENDERS FOR RUNS.

19

DATE OF TENDER.	NAME OF TENDERER.	NAME OF RUN.
1858.		
16 January ..	G. D. Skardon	Little Hampton Villa.
20 " ..	William Eckford	Ticco South.
21 " ..	Do.	Coodernato or Peedeegran.
22 " ..	Do.	Picco North.
23 " ..	Do.	Walwaddedi or Bunado.
24 " ..	Alexr. Hodgdon	Noonbar.
45 " ..	Edward Flood	Run No. 1.
47 " ..	Do.	Run No. 2.
14 February ..	Wm. Field	Bearbilla.
17 " ..	Wm. Hughes	Cogildry, West.
36 March ..	W. Eckford	Minaum.
38 " ..	Donald Fraser	Warruigerong Creek.
43 " ..	Do.	Calgar Creek.
47 " ..	R. P. Paymond	Lower Stonchenge.
48 " ..	Do.	Lower Haradon.
49 " ..	V. Dowling	Marungle.
50 " ..	R. J. Higgins	Pine Plain Run.
44 April ..	E. B. Cornish and A. Cruikshank ..	Back Gooloogoola.
52 " ..	W. F. Buchanan	Rimbanda.
60 " ..	Thomas Gillon	The Gulf.
61 " ..	Christopher Rourke	Inchigoodbie.
77 " ..	James Pile	Southern Outer Yaltalka.
78 " ..	Fredk. Manton	Floods Creek.
79 " ..	Charles Manton	Rocky Gully.
80 " ..	Do.	Coonbaralpa.
81 " ..	Do.	Murneo Murneo.
82 " ..	Do.	Parnari.
37 May ..	James Sweeny	Winter Vale.
47 " ..	John Spink Johnston	Crudie.
52 " ..	Joshua Dowe	Big Emina, South.
53 " ..	Do.	Do. North.
54 " ..	Do.	Gurry, West.
55 " ..	William Hill	Big Emina, West.
56 " ..	Do.	Do.
57 " ..	Do.	Gurry Gurry, East.
63 " ..	Robert Peel Raymond	Back Lower Stonchenge.
65 " ..	Do.	Back Stonehenge.
67 " ..	Do.	Back Lower Harradon.
70 " ..	Do.	Back Harradon.
23 June ..	T. E. and H. J. Lance	Nombi Nombi.
24 " ..	James Grimes	Tunawandi.
28 " ..	Francis M. Doyle	Warren, on the east of Narran Creek.
35 " ..	Wm. Murray	Mohanah, No. 1.
36 " ..	Do.	Do. No. 2.
30 July ..	Walter Bagot	Burrawoodool
41 " ..	Wm. Lee, junr.	Billeroy.
43 " ..	Wm. Lawson	Outer Back Mullah.
44 " ..	James Collit	Dovandoo.
45 " ..	Do.	Emanar.
46 " ..	Do.	Ula.
47 " ..	Do.	Warambilla.
48 " ..	Do.	Cococanda.
49 A " ..	W. H. Hill	Gungallgall, No. 1.
B " ..	Do.	Do. No. 2.
C " ..	Do.	Do. No. 3.
D " ..	Do.	Do. No. 4.
65 " ..	Peter Tyson	Tarawong.
85 " ..	C. S. Oakes and O. J. Richardson ..	Shelly's Camping-place.
86 " ..	John M'Kinley	Cookerga.
37 August ..	Wm. and Geo. Colless, junr. ..	Bullanbumbo.
40 " ..	Joseph Pearce	Biroo.
42 " ..	G. R. M'Lean and Sydney Scarvell ..	Cobonbudgeri.
47 " ..	Do.	Grudanthari.
50 " ..	Wm. Hurley	Tallygar.
51 " ..	G. R. M'Lean	Merri Metong.
52 " ..	Do.	Bael.
53 " ..	J. Glass and Jno. Corrigan	Comborah Springs.
55 " ..	Do.	Do.
56 " ..	G. R. M'Lean	Täärää.
57 " ..	Wm. and Geo. Colless, junr. ..	Bulhumuto.
58 " ..	G. R. M'Lean	Bublemara.
59 " ..	W. W. Richardson	Montezuma.
62 " ..	Thos. Sinden	Gerilambone, No. 2.
74 " ..	Thomas Morris	Dubbot.
75 " ..	Jonathan Hassan	Bingwell, No. 2.
76 " ..	Do.	Do. No. 1.
77 " ..	Do.	Do. No. 3.
78 " ..	Samuel Phillips	Juliana.
79 " ..	J. J. Mills	Lewer Tabratong.
80 " ..	Jas. Rawsthorne	Dubbot.
81 " ..	J. Aarons, junr.	Back Wallenbiling.
83 " ..	Samuel Phillips	Roberto.
84 " ..	John Brown	Guwaroo.
85 " ..	S. F. Simson	Back South Tabratong.
86 " ..	T. Morris	Doando.
87 " ..	John Brown	Gewaroo, West.
88 " ..	H. Morrighan	Upper Teroble.
70 September ..	M. M'Carthy	Wheelaburawa.
74 " ..	T. Daniell	Upper Terandian, West.

TENDERS FOR RUNS.

DATE OF TENDER.	NAME OF TENDERER.	NAME OF RUN.
1858.		
76 September	T. Daniel	Upper Cajildrah, West.
78	Thomas Grant	Melinginar.
82	P. P. Hungerford	Deonambirra.
87	Thomas Grant	Maduree.
93	George Sanderson	Moomo or Coomoo.
91	Thomas Hungerford	South Willbe Willbe.
93	Henry Frost	Gungalman, South.
111	W. G. Elwin	Holne Cote.
126	Robt. Searle	Ghnorovert.
132	James Glass	Gelguy.
23 October	R. P. Raymond	Kidgerur Springs.
24	Do.	Marbling Ground Lake.
27	T. A. Smith	Ota.
31	Samuel Smith	Tawa.
32	Do.	Tian.
33	Do.	Bullong.
34	T. A. Smith	Boys.
41	Richard Jackson	Combonga.
46	W. C. T. and J. C. Bagot	Nurney.
50	Do.	Dunmurry.
53	R. and W. Robertson	Northern Cheviots.
10 November	James Coleman	New Bogewan.
12	Do.	Bingtry.
15	Ed. Bradford	Harriawacki.
17	Do.	Do.
21	C. H. Buchanan	North Bigabadah.
33	J. and A. Laurie	Unnamed.
34	Do.	Do.
29 December	W. H. Hill	Comby Cabinbar.
33	Wm. J. McDonald	Bogiria, East.
35	T. H. Hill	Dereary.
45	Neal Kennedy	Whecho.
47	W. H. Hill	Tinibegee, East.
50	Thos. McNamara	Wanibiddie.
51	T. E. Lance	Warren, East, Block No. 2.
52	Do.	Warren, West, do. No. 1.
53	Charles Friend	Warren, or Lower Marthy.
55	Alexr. Ferguson	New Springs.
56	Duncan Macrae	Boombarong.
60	W. A. Gwynne	Quondah.
61	Do.	Belahia.
62	Do.	Lower Quondah.
63	Do.	Bimbel.
69	Samuel Smith	Marceta.
72	E. M. McKinley	Scrub Run, No. 11.
73	Do.	Do. No. 12.
74	Joseph Dunne	Mitta.
85	E. B. Scott	Outer Toorale.
87	John Cockburn	Huckabald.
1859.		
24 January	John Swain	Mount Vail.
30	Wm. H. Brotherton	Tyrone.
31	Wm. and S. Kennedy	Milkiui.
33	Jas. Wilson	Gundygalong.
34	Chas. H. Buchanan	New Boogara.
35	Do.	New Boogivan.
37	Jno. Cameron	Yalundra.
38	Wm. H. Brotherton	Wyabra.
39	Jno. Blackman	Wavocora.
14 March	John Cameron	Chinup.
17	Wm. Rutledge	Woolary, East.
21	Samuel Smith	Tea Chest Plain.
21	J. Dove	Muckerawea, North.
22	Joseph Onus	Burga Burga.
27	Jas. Grounds	Wingurbah.
13 April	J. Onus and C. Eather	Not named, near Cabbanthama.
15	Do.	Do. do.
23	H. W. Gwynne and D. Soane	Back Dubbo.
24	Donald Fraser	Tuckabilla.
27	L. MacBean	East Darling, No. 2.
31	Do.	West Darling, No. 2.
46	W. H. Brotherton	Mulla.
56	Wm. Rutledge	Cumby.
37 May	Joseph Andrew	Torrybrunella.
38	Jas. T. Bell	Modell.
39	Do.	Do.
41	Do.	Do.
42	Do.	Little do.
43	Do.	East do.
49	Do.	Tothar, East.
51	R. Skuthorpe, junr.	Emu.
57	Jno. H. A. Lister	Bunyip.
59	Do.	Kangaroo.
61	Do.	Do.
63	Do.	Do.
64	P. McKellar	Williori.
65	A. Glass and J. Corrigan	Milrea Minor.
78	Twofold Bay Pastoral Company	Tantangara.
79	Terence Mahoney	Boggy Plain.

TENDERS FOR RUNS.

21

DATE OF TENDER.	NAME OF TENDERER.	NAME OF RUN.
1859.		
54 June	David Roberts	Culgoa River, No. 2.
55 "	Do.	Do.
77 "	Benjn. South..	Warrabah.
78 "	Do.	Burbadah, East.
79 "	Jas. B. Johnston	Mugarah.
80 "	Do.	Burbadah.
81 "	Do.	Wallah.
86 "	C. Parnell and B. Gaiden	Birie, No. 2, West.
87 "	Do. do.	Do. No. 1, do.
88 "	J. J. Wilson	Gundagalong.
99 "	A. and J. F. Doyle	Cockellerina.
121 "	W. Bagot and Brothers	Lisnawilly.
122 "	Do. do.	Wyanawonda.
123 "	Do. do.	Wolandilly.
124 "	A. and J. Glass, and J. Corrigan	Barrunga.
125 "	Do. do.	Bundarwood.
126 "	Do. do.	Enrogel.
127 "	Do. do.	Beroo.
130 "	Do. do.	Marnze.
135 "	Do. do.	Glen Albert.
136 "	G. B. Boulton	Stretton, No. 3.
137 "	Do.	Do. No. 1.
138 "	Do.	Do. No. 2.
139 "	Gerald Spring	Mincharra.
37 July	M. Miles and E. Wise	Block B.
38 "	Do. do.	Block A.
40 "	Vincent Dowling	Terawa, Left.
42 "	Henry Jeffries	Toorah Back.
43 "	Gerald Spring	Darling, No. 1.
44 "	Do.	Albertonia.
48 "	Henry Jeffries	Mere Back.
49 "	J. D. Brown	Hopeless.
50 "	Do.	Chance.
51 "	Do.	Springvale.
53 "	Colin Mackenzie	Tourango.
57 "	A. and J. Glass, and J. Corrigan	Eutheera.
62 "	John Corrigan	Yeraman Towry.
63 "	Do.	Duck Holes.
64 "	Do.	Sand Ridge.
65 "	Do.	Do. Minor.
66 "	Vincent Dowling	Terawa.
69 "	John Corrigan	Duck Holes, Minor.
81 "	J. A. H. Price	Buinia or Binyah Springs.
84 "	T. H. Hill	Bumblebeera.
85 "	Geo. W. Lord	Block No. 2.
86 "	Do.	Block No. 1.
88 "	T. H. Hill	Nco.
91 "	E. Glaskeen	Harmguli, East.
92 "	Do.	Do. West.
99 "	A. K. Collins and G. Barber	Boomcrang.
119 "	Stephen Fennell	Kolkibertoo, North.
142 "	G. Loder and C. Capp	Mohannah, Back Run.
145 "	Do. do.	The Junction.
148 "	Wm. Brotherton	Back Cuddle, or Beard's Corner.
149 "	Rd. Ridge	Buckinbah.
150 "	C. Bvide	West Billaby.
153 "	Do.	West Eringa.
154 "	Do.	Billaby.
155 "	Do.	Eringa.
137 August	J. H. Rutter	Gunble Gubbin.
138 "	T. E. Lance	Momoombi.
139 "	Do.	Coroburrai.
140 "	Do.	Gulambalee.
141 "	Edwd. Pearce	Guibalunga, East.
142 "	J. E. Pearce	Gariunga, North.
143 "	Do.	Do. South.
144 "	E. Sparke, junr.	Irrawang.
146 "	T. A. Smith	Merrewa.
146 "	E. Pearce	Guibalunga, West.
147 "	E. Sparke, junr.	Merrivale.
148 "	Chas. Eather..	Buggee.
150 "	J. B. Johnston	Muggarah, West.
152 "	James Price	Kiota.
153 "	Geo. Jarvis	Bucklebow.
156 "	E. Sparke, junr.	Tilba Tilba.
159 "	T. A. Smith	Werimbola.
160 "	Wm. McClelland	Sand Holes.
164 "	B. Burrell	Bangate.
165 "	H. Hamilton	Timbuctoo.
166 "	Do.	Trincomalee.
167 "	Do.	Pondicherry.
168 "	Do.	Back Timbuctoo.
169 "	Michael Healey	Lygnum.
170 "	Chas. B. Lyons	Bungil.
173 "	G. W. Lord	Upper Cumblebenc.
174 "	A. and J. Glass, and J. Corrigan	Geronen Lagoon.
177 "	Michael Healey	Monkey, adjacent to MerryMerry.
180 "	Jno. Eaton	Yallidar.
181 "	Do.	Madcara, No. 1.

TENDERS FOR RUNS.

DATE OF TENDER.	NAME OF TENDERER.	NAME OF RUN.
1859.		
185 August ..	G. W. Lord	Cumblebone.
186 " ..	David Forbes	Block No. 2.
187 " ..	Do.	Block No. 1.
188 " ..	James Green	Do.
189 " ..	J. B. Johnston	Spring Field.
194 " ..	W. W. Richardson	Speculation, No. 2.
197 " ..	Do.	Do. No. 1.
199 " ..	Samuel Smith	Truintenally.
206 " ..	Do.	Wogougo.
208 " ..	Do.	Wyathery.
210 " ..	James Greer	Block No. 2.
211 " ..	W. W. Richardson	Speculation, No. 3.
232 " ..	Henry Jeffreys	Warrego, No. 1.
233 " ..	Do.	Barunga, No. 1.
234 " ..	Do.	Do. No. 2.
235 " ..	Francis E. French	Warrego, No. 3.
236 " ..	Do.	Do. No. 2.
237 " ..	Vincent Dowling	Nariela.
239 " ..	Gerald Spring	Bundanna.
240 " ..	Vincent Dowling	Booicoonpooloo.
242 " ..	Do.	Do. No. 2.
243 " ..	Gerald Spring	Barringa.
244 " ..	Do.	Wondarra.
246 " ..	R. T. B. Gaden	Yarree.
246 " ..	Gerald Spring	Barilla.
247 " ..	Vincent Dowling	Culgaira.
248 " ..	Gerald Spring	Wyrundra.
214 September..	William Morris	Coobungooba.
216 " ..	John W. Eckford	Mungaroo.
217 " ..	J. Single and H. J. Adams	Culgoa, North.
218 " ..	John Eckford	Carrabillina, No. 1.
219 " ..	George Forrester	Raudon, Gulgoa Creek, North side.
220 " ..	Do.	Do. do. South side.
225 " ..	William M'Kenzie	Pookanoonry, East side of the Gulgoa.
226 " ..	Barney Burrell	Damble, or Bogan Creek.
228 " ..	William M'Kenzie	Wailmoringle and Collinge.
229 " ..	J. Single and H. J. Adams.. .. .	Culgoa.
234 " ..	John W. Eckford	Mungaroo, No. 2.
235 " ..	A. and J. P. Doyle	Pigeonbull, Block No. 2.
236 " ..	Dennis Holland	Carbonbry.
237 " ..	William M'Kenzie	Mogunthra and Bundoo
238 " ..	Augustus Hill	Bogara.
242 " ..	John Eckford	Carrabillina, No. 2.
243 " ..	A. and J. P. Doyle	Pigeonbull, Block No. 1.
244 " ..	J. Single and H. J. Adams.. .. .	Dago.
245 " ..	John Spicer	Noolaman.
246 " ..	J. Single and H. J. Adams.. .. .	Dingo, No. 2.
247 " ..	Edmund Shephard	Bangett, East.
248 " ..	J. Single and H. J. Adams.. .. .	Dingo, No. 1.
249 " ..	John J. Mills.. .. .	Nedgear.
250 " ..	Robert Search	Wilbee Wilbee, West.
251 " ..	James White.. .. .	Kiguigil, South.
252 " ..	J. Single and H. J. Adams.. .. .	Dingo, No. 3.
253 " ..	Do. do.	Boyalbider.
254 " ..	Do. do.	Boyalbiddier, North.
256 " ..	George Wood.. .. .	Woiren.
259 " ..	Josiah Eosom	Diechable.
260 " ..	Alexr. M'Loughlin	Kedgererburroway.
261 " ..	Do.	Wonga Wonga.
262 " ..	Do.	Kegerer Burroway.
263 " ..	Do.	Wonga Wonga.
266 " ..	George M'Guiggan	Coobungerec.
268 " ..	John Spicer	Bimbijong.
307 " ..	Izett Stewart.. .. .	Guthul.
308 " ..	Do.	Mundonah.
316 " ..	Do.	Milparo of Mamfred.
328 " ..	George Perry	Boura, Back Block.
330 " ..	R. Taylor, B. Gaden	East Birie, No. 2.
331 " ..	Do. do.	Do. No. 1.
332 " ..	Do. do.	West Birie, No. 2.
333 " ..	Do. do.	Do. No. 1.
384 " ..	Alexr. Ferguson	Carewell.
395 " ..	George Perry	Dowling, Block C.
336 " ..	Do.	Do. do. A.
337 " ..	Do.	Do. do. B.
272 October ..	G. H. Bova	Naugohra.
376 " ..	Robert Searle	Kangaroo Flat.
378 " ..	William M'Kenzie	Mongul.
380 " ..	Do.	Pookanoonry.
398 " ..	Augustus Hill	Bogara, East.
397 " ..	Joseph Cooper	Caidmurry, East Block, No. 3.
407 " ..	Joshua Dowe	Buggin Buggin, East.
408 " ..	Do.	Do. West.
409 " ..	Do.	Bundoo, West.
410 " ..	Do.	Do. East.
411 " ..	Do.	West Muckerawea.
412 " ..	Do.	West Thrumbil.
413 " ..	Do.	East do.
414 " ..	Do.	Lower Muckerawea.

TENDERS FOR RUNS.

23

DATE OF TENDER.	NAME OF TENDERER.	NAME OF RUN.
1869.		
415 October...	Joshua Dowe	Upper Muckerawca.
416 "	O. Pitt Burne	Granaildoo, South.
420 "	William M'Kenzie	Colling.
421 "	Do.	Yamby, or Gwydin.
422 "	Joseph Cooper	Caidmurry, East, Block No. 4.
423 "	William M'Kenzie	Coobungaru.
429 "	Charles Pitt Burne	Guanildoo, North.
431 "	A. and J. F. Doyle	Crawney, South.
432 "	Do.	Goonoo, North.
433 "	Do.	Cumbil, North.
434 "	Do.	Crawney, South.
435 "	Francis M. Doyle	Thunbil, North, or Bokirah, North.
436 "	Do.	Do. South, do. South.
440 "	J. B. Johnston	Mugarah, South.
441 "	Do.	Do. East.
442 "	S. B. Walker	Cunaboora Springs.
443 "	James J. Wilson	Gundergalong.
444 "	J. B. Johnston	Begundah, East.
447 "	George M'Guigan	Narran, Block 1.
448 "	Do.	Do. do. 2.
449 "	T. L. Richardson	Gidjar.
453 "	D. Ramsay, junr.	No. 2, Gulgoa Creek.
456 "	T. L. Richardson	Doongarrean.
457 "	T. M'Colm	Ulmbarge, No. 1.
458 "	Do.	Do. No. 2.
459 "	T. L. Richardson	Gerilang.
461 "	Do.	Ingar.
462 "	Do.	Geewong.
463 "	David Ramsay, junr.	No. 1, Culgoa Creek.
468 "	T. L. Richardson	Euroka.
470 "	David Ramsay, junr.	No. 4, Culgoa Creek.
471 "	Do.	No. 5, do.
473 "	Do.	No. 6, do.
474 "	Archibald Meston	East Nylora, No. 2.
475 "	Do.	West do. No. 2.
476 "	Do.	Do. do. No. 1.
477 "	George Dougharty	Leeroomah.
478 "	Do.	Cumbo.
479 "	Archibald Meston	East Nylora, No. 1.
483 "	David Ramsay, junr.	No. 3, Culgoa Creek.
496 "	William Jamieson	Youngee Plain.
503 "	William Coman	Urabadalla.
509 "	Thomas Buckland	Begadbi.
522 "	Francis Oakes	No. 3, East Warrego.
525 "	W. L. Reid and J. Dunne	Beyond Outer Bonley.
528 "	Francis Oakes	No. 2, East Warrego.
529 "	Do.	No. 1, ditto.
46 November..	James White	Narran, No. 2.
59 "	Henry Rourke	Dungall.
65 "	Hugh Glass	East Block, No. 6, on the Warrego.
79 "	Do.	Do. No. 5. do.
82 "	Thomas M'Colm	Wangibong.
86 "	Do.	Billing Binga, No. 1.
88 "	Do.	Do. No. 2.
115 "	George Tailby	Back Gallagambroon.
116 "	John W. Collegs	Goondobiera.
117 "	Do.	Booyalbiddie.
118 "	F. M. Doyle	Ulaubie.
119 "	G. Collegs, junr.	Boyalbiddie.
121 "	George Gardner	Carshalton.
122 "	James White	Bogoon, No. 2.
123 "	Thomas M'Colm	Beltah.
124 "	James White	Bogewon.
125 "	James Hall	Lower Urawilky.
126 "	George Woods	Williariee.
127 "	John W. Collegs	Goondaubiera.
128 "	T. G. Dangar	Lower Go Gurrilly.
129 "	Do.	Upper do.
130 "	Do.	Upper Will Bill Bill.
131 "	Do.	Lower do.
132 "	Wilson and Evarrett	Naimor.
133 "	W. F. Buchanan	Warrana, South.
207 "	Julius Jeffreys	Miranda, Block No. 4.
208 "	Do.	Outer Miranda, Blocks Nos. 3 and 4.
209 "	Do.	Miranda, Block No. 2.
210 "	Do.	Outer Miranda, Blocks Nos. 1 and 2.
211 "	Do.	Miranda, Block No. 3.
212 "	Do.	Do. No. 1.
225 "	Watson and Hewitt	Cowary.
226 "	Do.	Merle.
243 "	James White	Narran, No. 4.
253 "	Do.	Do. No. 1.
259 "	Do.	Do. No. 3.
269 "	John Town	Warren, South.
274 "	James R. Doyle	Piangobler.
275 "	David Spring	New Coobunda.
283 "	Augustus Hill	Ballinbingga, West.
14 December..	Henry Smith	Narraway, West.
15 "	William Peberdy	New Backambah.
16 "	James Hall	Woorra.

TENDERS FOR RUNS.

DATE OF TENDER.	NAME OF TENDERER.	NAME OF RUN.
1859.		
20 December..	James Hall	Multum in Parvo.
23 "	James Wilson	Frenchman's Lagoon.
32 "	William J. Lawson	Back Warren.
34 "	T. L. Richardson	Bular.
37 "	Do.	Coolo.
38 "	Do.	Dreel Warrina.
39 "	Do.	Bimbel.
40 "	Do.	Bullingbang.
42 "	James Collits.. .. .	Molyandra.
46 "	William Horne	Garoolgan, East.
55 "	Julius Jeffreys	Miranda, Block 5.
56 "	Do.	Do. Block 6.
57 "	Do.	Outer Miranda, Blocks 5 and 6.
69 "	W. W. Richardson	Warrego, No. 12.
72 "	Do.	Do. No. 15.
73 "	Do.	Do. No. 14.
74 "	Do.	Do. No. 17.
75 "	Do.	Do. No. 11.
77 "	Charles Shelley Oakes	Culgoa.
78 "	Do.	Do. No. 2.
79 "	Benjamin Richards	Dorwee.
80 "	Do.	Corwee.
81 "	Do.	Moree.
82 "	Do.	Torea.
85 "	W. W. Richardson	Warrego, No. 13.
86 "	Do.	Do. No. 16.
88 "	Charles Shelley Oakes	Upper Culgoa, No. 1.
89 "	Do.	Lower do. No. 3.
92 "	Do.	Junction Run.
93 "	Do.	Upper Culgoa, No. 2.
94 "	Do.	Lower do. No. 4.
95 December..	Charles Shelly Oakes	Birec.
1860.		
3 January	W. A. Brodribb	Mallambray, Block B.
4 "	Do.	Do. do. A.
11 "	Jas. Hibberson and Rob. Bell	Coronia Lake.
19 "	James White	New Grandule.
20 "	Alexr. Muckay	The Black Ranges.
21 "	W. Norton	Pigman's Back Block.
23 "	J. Gorrick, junr., and A. M'Kenzie	No. 2.
24 "	Do.	No. 3.
25 "	Do.	No. 5.
26 "	Do.	No. 4.
28 "	Do.	No. 1.
33 "	Robert Abercrombie.. .. .	East Block, No. 3.
34 "	Do.	Do. No. 4, Warrego River.
40 "	Do.	Do. No. 5.
43 "	Do.	Do. No. 1.
44 "	Do.	Do. No. 2.
51 "	Do.	Do. No. 6.
61 "	Alexander Walker	Tourna.
62 "	Do.	Bulgalla.
71 "	John Boston	Meralaga, No. 1.
76 "	B. Burrell	Dumble.
77 "	J. Boston	Meralaga, No. 3.
80 "	Jno. Boston	Do. No. 2.
11 February	Gabriel de Milhan	Joldins.
12 "	Glass and Corrigan	Mudabin Minor.
13 "	Do.	Toridzone.
19 "	James Hamilton	Back Timbuctoo.
24 "	Glass and Corrigan	Priority.
26 "	Gabriel de Milhan	Alby.
27 "	Standish Callaghan	Standish.
29 "	Do.	Weldon.
31 "	W. H. Hill	Block No. 3, on the Culgoa River.
32 "	Glass and Corrigan	Cambadoon.
34 "	W. H. Hill	Block No. 1, on the Culgoa River.
37 "	Do.	Block No. 1, on the Culgoa, East.
38 "	Benjn. Richards	Collygo.
40 "	Do.	Coly-guy-guy.
42 "	W. H. Hill	Block No. 2, on the Culgoa River.
44 "	Do.	Laboon, Block No. 3.
46 "	Do.	Tranbone, Block 2.
58 "	Do.	Trone, Block 1.
59 "	Do.	Colly-guy, Block 2.
61 "	Andrew Doyle	Mooio.
67 "	Alexr. Salmon	Warrego, East, No. 7.
72 "	Do.	Do. No. 6.
73 "	Glass and Corrigan	Terrawalcha.
76 "	Do.	Wirley, North.
78 "	W. H. Hill	Block No. 3, on the East bank of the Culgoa.
80 "	Alexr. Dalrymple	Clans.
81 "	Do.	Towrar.
82 "	Do.	Mongarec.
83 "	Glass and Corrigan	Cabalowan.
87 "	Do.	Wirley.
89 "	Robert Thompson	Ovoora.
90 "	Do.	Amba.

TENDERS FOR RUNS.

25

DATE OF TENDER.	NAME OF TENDERER.	NAME OF RUN.
1860.		
91 February	Robert Thompson	Womba.
103 "	Jno. Mackintosh	West Warrego, Block No. 1.
107 "	Do.	East Warrego, No. 2.
109 "	Glass and Corrigan	Booga Booga.
115 "	Josiah Eason	Upper Gulyocarminarl.
118 "	W. H. Hill	Block No. 2, on the East bank of the Gulgoa River.
130 "	Glass and Corrigan	Mudabun, South.
131 "	Josiah Eason	Gulyocarminarl.
145 "	Alexr. Walker	Talara.
155 "	E. W. Hollinworth	St. Germain's.
157 "	Do.	Trematon.
162 "	Benjamin Richards	West Bourbee, Block 4.
163 "	Do.	Bourbin, Block 3.
164 "	Do.	Bollendoon, Block 2.
165 "	Do.	Bullal, Block No. 1.
168 "	Francis Oakes	No. 13, West Warrego.
171 "	Do.	No. 14, Do.
174 "	Do.	No. 15, Do.
181 "	Wm. Town	Lot 1, Back Block of Bunaba, South.
182 "	Do.	Lot 2, do. do.
183 "	A. Doyle and T. B. Rossiter	Sandhole.
191 "	J. Walker and E. B. Cornish	Kiribilli, No. 11.
192 "	Do. do.	Do. No. 10.
193 "	Do. do.	Do. No. 13.
194 "	Do. do.	Do. No. 12.
195 "	Alexr. Thomson	Do. No. 4.
196 "	Do.	Do. No. 3.
197 "	Do.	Do. No. 2.
198 "	Do.	Do. No. 7.
199 "	Do.	Do. No. 5.
200 "	Do.	Do. No. 1.
201 "	Do.	Do. No. 8.
202 "	Do.	Do. No. 9.
203 "	Do.	Do. No. 6.
208 "	Geo. H. Rowe	Upper Naugahra.
218 "	T. H. Sinden	Lower Wingingar.
219 "	Wm. Lee, junior	Buggill, West.
221 "	Jno. Archer	Diggoe.
222 "	Henry Keyes	West Yonindah.
223 "	Jno. Archer	Towric.
226 "	Duncan Mackay	Gonile.
228 "	Do.	Gulpa Gulpa.
229 "	Do.	Watergunna.
230 "	Do.	Billyboola.
231 "	Wm. J. Fraser	Whacabarnbouc, South.
232 "	Do.	Do. North.
17 March	Francis E. French	Bong Bong.
18 "	Do.	Rankin's Range.
19 "	Do.	Darling, No. 4.
22 "	Dennis Holland	Bebocia.
23 "	Do.	Cuke Cuckery.
24 "	J. Ford and W. P. Mylesharane	Kelso.
25 "	Do. do.	East Kelso.
28 "	John Gillos, junr.	East Wilary.
29 "	Jno. L. Campbell	Back Nimbia.
35 "	Henry W. Gwynne	Back Goonoo, No. 2.
36 "	Do.	Back Goonoo.
38 "	Edward M. Curr	Sebastopol, No. 1.
39 "	Do.	Do. No. 7.
40 "	Do.	Do. No. 4.
41 "	Do.	Do. No. 3.
42 "	Do.	Do. No. 8.
43 "	Do.	Do. No. 2.
44 "	Do.	Do. No. 5.
45 "	Do.	Do. No. 6.
46 "	Willm. M. Symons	Alma, No. 1.
47 "	Do.	Do. No. 2.
48 "	Do.	Do. No. 3.
49 "	Do.	Do. No. 4.
50 "	Do.	Do. No. 5.
51 "	Do.	No. No. 6.
52 "	Do.	Do. No. 7.
53 "	Do.	Do. No. 8.
65 "	Samuel Smith	Maesey.
66 "	Do.	Fredericus.
67 "	Do.	Marian.
68 "	Do.	Humburg.
36 April	C. W. Ligar	Rankin's Hill, No. 2.
37 "	Do.	Do. No. 1.
38 "	Do.	Durban's Group, No. 1.
39 "	Do.	Do. No. 2.
46 "	Do.	Outer Turlee.
47 "	Do.	Outer Gall Gall.
48 "	Do.	East Albermarle.
49 "	Do.	Waitemata, No. 1.
50 "	Do.	Do. No. 2.
51 "	Do.	Rankin's Hill, No. 3.
52 "	Do.	Tatara, North.

TENDERS FOR RUNS.

DATE OF TENDER.	NAME OF TENDERER.	NAME OF RUN.
1860.		
53 April	C. W. Ligar	Tatara, South.
54 "	Do.	Rankin's Hill, No. 4.
55 "	Jno. G. Marwick	Cairston.
56 "	Do.	Ramsgate.
58 "	Do.	Nairn.
59 "	Do.	Hastings.
60 "	Do.	Margarra.
61 "	Do.	Stromness.
62 "	Do.	Birsay.
63 "	Do.	Wakawaitai.
64 "	Do.	Mungarrah.
65 "	Do.	Glasgow.
66 "	Do.	Banff.
67 "	Do.	Wallalingie.
68 "	Do.	Stirling.
69 "	Do.	St. Leonard's.
71 "	Do.	Angus.
72 "	Do.	Thurso.
73 "	Do.	Lerwick.
74 "	Do.	Brighton.
75 "	Do.	Dunbar.
76 "	Do.	Cromartie.
77 "	Do.	Sandon.
78 "	Do.	Waverly.
79 "	Do.	Arbroath.
80 "	Do.	Dunkirk.
81 "	Do.	Bass.
82 "	Do.	Brassa.
83 "	Do.	Papanna.
84 "	Do.	Ubbolongi.
85 "	Do.	Cupar.
86 "	Do.	Deniedin.
87 "	Do.	Aberdour.
88 "	Do.	Orkney.
89 "	Do.	Raglan.
90 "	Do.	Buchan.
91 "	Do.	Herne.
93 "	Do.	Matanaka.
94 "	Do.	Aberdeen.
95 "	Do.	Kirkaldy.
96 "	Do.	Wick.
98 "	Do.	Greenock.
99 "	Do.	Alloa.
100 "	Do.	Fife.
101 "	Do.	Bindibah.
102 "	Do.	Forfar.
103 "	Do.	Warrimcaha.
105 "	Do.	Leith.
106 "	Do.	Shetland.
107 "	Do.	Margate.
117 "	Wm. B. Wood	Dennistown Plains.
118 "	Gilchrist, Watt, and Co.	Back of Dunlop, North-west.
121 "	Do. do.	Do. Bowra.
125 "	Do. do.	Do. Peika.
128 "	Jno. G. Marwick	Wullalla.
131 "	Jas. Hodgkinson	Good Wood Plains.
145 "	Thos. Kirkpatrick	Back Yamma.
149 "	Harrisky and Egan	Cuddy.
150 "	W. W. Richardson	Buggergala.
152 "	Wm. Deane	Murga Murga, West.
159 "	C. W. Ligar	Oxley's Table Land, No. 2.
160 "	Do.	Do. No. 1.
161 "	Wm. Deane	Murga Murga, East.
163 "	James Jones	Yelkogrui, or Myall Creek.
165 "	Jas. Hall	Tourable, North.
166 "	Alfred Davis	Lead Mine, Block 2.
167 "	Do.	Do. do. 1.
168 "	Do.	Silver Mine, Block 3.
169 "	Do.	Do. do. 2.
170 "	Do.	Do. do. 1.
171 "	Wm. M'Phillamy	Bobo.
173 "	Alfred Davis	Copper Mine, Block 1.
174 "	Do.	Do. do. 2.
175 "	Do.	Do. do. 3.
176 "	Wm. Thompson	Nulla.
179 "	Ruben Sheather	Yongell.
180 "	John Somer	Aga tooth back, or Gee eye.
186 "	Wm. Nicholson	Booroo, No. 16.
187 "	Do.	Do. No. 19.
188 "	S. Callaghan	Yew Tree.
189 "	Wm. Nicholson	Booroo, No. 20.
190 "	Jesse Sharpley	Culgoa, West.
191 "	Do.	Upper Culgoa, West.
194 "	Wm. Nicholson	Booroo, No. 17.
195 "	Do.	Do. No. 7.
196 "	Do.	Do. No. 21.
197 "	Do.	Do. No. 22.
198 "	Do.	Do. No. 5.
199 "	Do.	Do. No. 9.

TENDERS FOR RUNS.

27

DATE OF TENDER.	NAME OF TENDERER.	NAME OF RUN.
1860.		
200 April ..	Wm. Nicholson	Booroo, No. 13.
201 " ..	Do.	Do. No. 30.
202 " ..	Do.	Do. No. 29.
203 " ..	Do.	Do. No. 18.
204 " ..	Do.	Do. No. 10.
205 " ..	Do.	Do. No. 26.
206 " ..	Do.	Do. No. 4.
207 " ..	Do.	Do. No. 15.
208 " ..	Do.	Do. No. 27.
209 " ..	Do.	Do. No. 28.
210 " ..	Do.	Do. No. 3.
211 " ..	Do.	Do. No. 8.
212 " ..	Do.	Do. No. 23.
213 " ..	Do.	Do. No. 14.
214 " ..	Do.	Do. No. 11.
215 " ..	Thomas Maxwell	Cacoar.
216 " ..	Wm. Nicholson	Booroo, No. 6.
217 " ..	Do.	Do. No. 2.
218 " ..	Thomas Maxwell	East Gowrie.
219 " ..	Wm. Nicholson	Booroo, No. 25.
220 " ..	Do.	Do. No. 1.
221 " ..	Do.	Do. No. 12.
222 " ..	Do.	Do. No. 24.
223 " ..	Thomas Maxwell	West Cacoar.
1 May ..	Wm. J. M'Donald	Carbalena, Block No. 5.
2 " ..	G. Tate and G. Davidson	Kigela.
3 " ..	Wm. J. M'Donald	Carbalena, Block No. 3.
4 " ..	Do.	Do. do. No. 7.
5 " ..	Do.	Do. do. No. 6.
6 " ..	Do.	Do. do. No. 1.
9 " ..	Do.	Do. do. No. 4.
10 " ..	G. Tate and G. Davidson	Boolman.
11 " ..	Wm. J. M'Donald	Carbalena, No. 2.
16 " ..	Joseph Teale	Lower Minei Minei, Block No. 2.
17 " ..	Josiah Easom	Turnbill.
18 " ..	Joseph Teale	Minei Minei, No. 1.
19 " ..	Josiah Easom	Bunna Bunna.
20 " ..	Do.	Cowree, No. 1 Block.
21 " ..	Do.	Lower Cowree, do. 2.
22 " ..	Do.	Nullabar.
23 " ..	Jas. Blackham	Toorcel.
24 " ..	Geo. M'Quiggin	Barra Barra, Block 2.
25 " ..	Jas. F. Plunkett	The Lagoons.
26 " ..	Daniel Sullivan	Sullivan's Mole.
27 " ..	Thos. H. Sinden	Middle Willera.
28 " ..	Wm. J. M'Donald	Gammalally, Block No. 1.
29 " ..	Thos. H. Sinden	Sullivan's Mole.
30 " ..	Geo. M'Quiggin	Barra Barra, Block 1.
31 " ..	Wm. J. M'Donald	Gammalally, do. No. 2.
32 " ..	Do.	Do., do. No. 3.
36 " ..	David Ramsay, junr.	Bogan Creek, West.
37 " ..	Do.	Back Bogan Creek, East.
38 " ..	Do.	Lower Bogan Creek, West.
41 " ..	Do.	Bogan Creek, East.
48 " ..	Jno. G. Marwick	Wiscasset.
49 " ..	Do.	Hythe.
50 " ..	Do.	Mobile.
51 " ..	Do.	Dover.
52 " ..	Do.	Pensacola.
53 " ..	Do.	George Town.
54 " ..	Do.	Passamaquoday.
55 " ..	Do.	Tokomairo.
56 " ..	Do.	Buffalo.
57 " ..	Do.	Baltimore.
58 " ..	C. Haylock	Kirindi, No. 2.
59 " ..	Jno. G. Marwick	Omata.
65 " ..	Do.	Oramata.
66 " ..	Do.	Miami.
67 " ..	Do.	Ponohscot.
69 " ..	Do.	Chicago.
70 " ..	Jas. M'Connell	Yallock.
74 " ..	Do.	Youyang.
75 " ..	Do.	Miparo, North.
76 " ..	Jno. G. Marwick	Kennebec.
77 " ..	Do.	Philadelphia.
78 " ..	Do.	Niagara.
79 " ..	Edward Lloyd	Oak Forest.
80 " ..	Jno. G. Marwick	Nautucket.
81 " ..	Thos. H. Power	Moothumbil, No. 1.
82 " ..	Do.	Do., No. 2.
83 " ..	Jno. G. Marwick	Watakai.
84 " ..	Do.	Detroit.
85 " ..	Do.	Annapolis.
86 " ..	Do.	Saco.
87 " ..	Do.	Providence.
88 " ..	Do.	Boston.
89 " ..	Do.	Pittsburg.
90 " ..	Do.	Tennessee.
91 " ..	Do.	Mahanga.

TENDERS FOR RUNS.

DATE OF TENDER.	NAME OF TENDERER.	NAME OF RUN.
1860.		
92 May	Jno. G. Marwick	Wairo.
93 "	Do.	Oswagatchie.
94 "	Do.	Waizeka.
95 "	Do.	Taieri.
96 "	Do.	Ratanni.
98 "	Do.	Acromae.
99 "	Do.	Kentucky.
100 "	Do.	Charleston.
102 "	Do.	Wisconsin.
103 "	Do.	Oswego.
106 "	Do.	Genesee.
107 "	Do.	Salem.
108 "	Do.	Savannah.
109 "	C. Haylock	Kirindi, No. 1.
114 "	How, Walker, and Co.	Maine.
118 "	Do. do.	Missoui.
119 "	Do. do.	Oregon.
121 "	Do. do.	Ohio.
122 "	Do. do.	Tappahamock.
123 "	Do. do.	Michigan.
124 "	Do. do.	Champlain.
125 "	Do. do.	Galveston.
126 "	Wm. Nash	North Mythis.
132 "	Do.	Outer Back Mythis.
133 "	Do.	Do. Tarcoola.
139 "	How, Walker, and Co.	Delaware.
140 "	Do. do.	Sandusky.
144 "	Do. do.	Astoria.
145 "	Do. do.	Maryland.
149 "	Do. do.	Columbia.
150 "	Do. do.	Sacramento.
153 "	Jno. Filson	Greenough Hill, No. 1.
154 "	Do.	Outer Back Curryall.
156 "	Do.	Back Prunella.
158 "	Do.	Keilor, South.
159 "	Do.	Greenough Hill, No. 2.
160 "	Do.	Keilor, North.
161 "	Do.	Greenough Hill, No. 3.
162 "	Do.	Outer Back Talyawalka.
167 "	How, Walker, and Co.	Oeracoke.
168 "	Do. do.	Appalachicola.
169 "	Do. do.	Cuyahoga.
171 "	Do. do.	Illinois.
172 "	Do. do.	Louisiana.
173 "	Do. do.	Texas.
174 "	Do. do.	Yeocomico.
8 June	James Brady	Shamrock.
9 "	Do.	Perth.
10 "	Do.	Waratah.
11 "	Neal Kennedy	Yarringerang.
12 "	Geo. Wood	Cradgery, No. 2.
13 "	Wm. Lec. junr.	Cotellabar, on the Narran Creek.
16 "	W. H. Tibbits	Yaragand.
18 "	Do.	New Coonamble.
21 "	Vincent Dowling	Bindey Paroo West, No. 7.
22 "	Do.	Thoelingboro.
23 "	Do.	Bindey Paroo West, No. 5.
24 "	Do.	Printiti.
25 "	Do.	Bindey Paroo East, No. 8.
26 "	Do.	Do. West, No. 3.
29 "	Do.	Pindey for Bindey Paroo East, No. 6.
30 "	Do.	Crown Lands, No. 1.
31 "	Do.	Bindey Paroo West, No. 8.
32 "	Do.	Do. do. No. 6.
33 "	Do.	Do. do. No. 2.
34 "	Do.	Upper Narielara.
36 "	Do.	Bindey Paroo East, No. 2.
37 "	Do.	Do. do. No. 3.
38 "	Do.	Do. West, No. 4.
39 "	Do.	Do. East, No. 7.
40 "	Do.	Do. do. No. 5.
41 "	W. W. H. Heaven	Crown Lands, No. 3 Block.
42 "	Vincent Dowling	Milcombe, Block B.
43 "	Do.	Pindey for Bindey Paroo East, No. 4.
45 "	Do.	Bindey Paroo East, No. 1.
46 "	Do.	Crown Lands, Block No. 4.
47 "	Do.	Narielara.
51 "	W. W. H. Heaven	Back Tnganda and Georgy.
52 "	Vincent Dowling	Melcombe, Block A.
53 "	W. W. H. Heaven	Bindey Paroo West, No. 1.
54 "	Do.	Melcombe, Block C.
57 "	Jno. Watson	Do. do. D.
58 "	Do.	Tara, No. 3.
59 "	Do.	Do. No. 2.
63 "	Vincent Dowling	Do. No. 1.
66 "	Do.	Coonry Paroo West, No. 1.
67 "	Do.	Do. East, No. 6.
68 "	Do.	Do. West, No. 4.
71 "	Do.	Do. do. No. 5.
		Do. East, No. 1.

TENDERS FOR RUNS.

29

DATE OF TENDER.	NAME OF TENDERER.	NAME OF RUN.
1860.		
72 June	Vincent Dowling ..	Cooney Paroo East, No. 5.
74 " ..	Do. ..	Do. West, No. 6.
76 " ..	G. Watson and C. Hewitt ..	Matsa.
77 " ..	Do. do. ..	Murcha.
78 " ..	Vincent Dowling ..	Cooney Paroo East, No. 2.
79 " ..	G. Watson and C. Hewitt ..	Towlwa.
80 " ..	Vincent Dowling ..	Cooney Paroo West, No. 2.
81 " ..	G. Watson and C. Hewitt ..	Towra.
82 " ..	Do. do. ..	East Teruwania.
83 " ..	Vincent Dowling ..	Cooney Paroo East, No. 4.
84 " ..	G. Watson and C. Hewitt ..	Mara.
85 " ..	Do. do. ..	Moondon.
86 " ..	Do. do. ..	Bunder.
87 " ..	Do. do. ..	Conlcow.
88 " ..	Do. do. ..	North Teruwania.
89 " ..	Do. do. ..	Bulman.
94 " ..	Vincent Dowling ..	Cooney Paroo West, No. 3.
97 " ..	Do. ..	Crown Lands, Block No. 2.
98 " ..	Do. ..	Cooney Paroo East, No. 3.
1 July	James Saunders ..	Tawror Gowlor.
2 " ..	Do. ..	Do.
3 " ..	Joseph West, tertius ..	Cooney Paroo West, No. 7.
4 " ..	Vincent Dowling ..	Engicara.
5 " ..	Do. ..	Billy Wilson's, or Moondi Spring.
6 " ..	Do. ..	Moorindee Springs.
9 " ..	Joseph West, tertius ..	Cooney Paroo East, No. 1.
12 " ..	John E. Kelly ..	Wandi.
16 " ..	Joseph West, tertius ..	Cooney Paroo East, No. 11.
18 " ..	John E. Kelly ..	Shallow Holes.
19 " ..	Joseph West, tertius ..	Cooney Paroo West, No. 11.
20 " ..	Do. ..	Do. do. No. 10.
21 " ..	Do. ..	Do. East, No. 8.
22 " ..	Do. ..	Do. West, No. 9.
26 " ..	Do. ..	Do. East, No. 10.
27 " ..	Do. ..	Do. do. No. 9.
28 " ..	Do. ..	Do. West, No. 8.
29 " ..	Do. ..	Do. do. No. 12.
31 " ..	John E. Kelly ..	Mullum Mullinbar.
32 " ..	Joseph West, tertius ..	Cooney Paroo East, No. 7.
33 " ..	John E. Kelly ..	Maryland.
34 " ..	Thos. B. Haylock ..	Palisthan.
44 " ..	John C. Bagot ..	Theath-a-wa.
48 " ..	W. L. Morton and Co. ..	Block B. B.
63 " ..	Joseph West, tertius ..	Cooney Paroo East, No. 8.
64 " ..	Do. ..	Do. do. No. 7.
65 " ..	Do. ..	Do. West, No. 10.
66 " ..	Do. ..	Do. East, No. 9.
67 " ..	Do. ..	Do. West, No. 8.
68 " ..	Do. ..	Do. East, No. 10.
69 " ..	Vincent Dowling ..	Butha Butha.
70 " ..	James Bishop ..	Bundigo Plains.
71 " ..	Do. ..	New Calf Pen.
84 " ..	Thomas Power ..	Gilliwang.
85 " ..	James Newel ..	Baudon, South.
91 " ..	A. W. Hamilton ..	Block, No. 20, A.
2 August ..	John W. Colless ..	Boyalbidder.
3 " ..	Do. ..	Goondambiera.
9 " ..	Wm. Riley, junr. ..	Bundegoc.
10 " ..	C. and F. O'Hara ..	Look Out Ridge.
12 " ..	Alexander M'Gregor ..	Between Old Bundallah and Merrigal Back Runs.
23 " ..	G. B. Fletcher ..	East Titahita.
30 " ..	William Ross ..	Lombok.
45 " ..	P. W. Street ..	Currawong Range.
46 " ..	Kirkpatrick and Strickland ..	Bundagoo Spring.
48 " ..	Ryrie and Alexander ..	Yarri Yarri.
51 " ..	G. J. and H. Colless ..	Birer.
52 " ..	Do. ..	Tomee.
53 " ..	G. and J. W. Colless ..	Murwah.
54 " ..	G. J. and H. Colless ..	Dego.
55 " ..	J. W. Colless ..	Teynborah, North.
56 " ..	Do. ..	Do. South.
61 " ..	Wm. and Geo. Colless ..	Werribiddy.
63 " ..	T. G. Dangar ..	Gunda Binguera.
64 " ..	Geo. and Wm. Colless ..	Werribiddy, North.
65 " ..	John W. Colless ..	Moobla.
66 " ..	T. G. Dangar ..	Ludda Uppa.
67 " ..	J. W. Colless ..	Tallionida.
68 " ..	J. Smyth and T. Rideal ..	Weitalabah.
69 " ..	George Colless ..	Moodla.
70 " ..	T. H. Power ..	Mouramba, No. 2.
71 " ..	Do. ..	Do. No. 1.
1 September ..	C. W. Birch and C. Bride ..	Neibea, East.
2 " ..	Do. do. ..	Wei Tullibah.
3 " ..	Do. do. ..	Newenbah, West.
4 " ..	Do. do. ..	Upper Newenbah, East.
5 " ..	John L. Campbell ..	New Drillwarrencr, East.
6 " ..	Robert Lowe ..	Upper Pretty Plains.
7 " ..	G. R. M'Lean ..	Moonbone.

TENDERS FOR RUNS.

DATE OF TENDER.	NAME OF TENDERER.	NAME OF RUN.
1860.		
8 September..	C. W. Birch and C. Bride ..	Newenbah, East.
9 ..	Do. do. ..	Upper Newenbah, West.
10 ..	Do. do. ..	Neibea, West.
11 ..	Do. do. ..	Upper Neibea, East.
12 ..	Lakeman and Hyland ..	Newingbah.
13 ..	J. L. Campbell ..	Lower Nedgera.
14 ..	Henry W. Bloomfield ..	
17 ..	John S. Torry ..	Back North Walgiers.
18 ..	Do. ..	Lower do.
21 ..	Do. ..	North Walgiers.
22 ..	Do. ..	Back Lower North Walgiers.
25 ..	George Sawtell ..	Ivelinc.
26 ..	Joseph Moulder ..	North Euchalong.
30 ..	T. A. Smith ..	Twankay.
31 ..	Samuel Smith ..	Barcoola.
32 ..	Do. ..	Carawa.
33 ..	T. A. Smith ..	South Meeta.
34 ..	Samuel Smith ..	Mokello.
37 ..	T. A. Smith ..	Meeta.
39 ..	Joseph Dunno ..	Outer Peeringa Gaari.
41 ..	J. L. Campbell ..	Mudgingar.
52 ..	Andrew Doyle ..	Tago Spring.
54 ..	W. H. Hill ..	Wetahbar, Back Block.
57 ..	Nicholas Downey ..	The Bree, or Ballandool River, Molally.
58 ..	Do. ..	Bando.
59 ..	Do. ..	Tambour.
60 ..	Do. ..	Weretirindi.
61 ..	Samuel Smith ..	Back Danlep Range.
62 ..	Wm. J. Fraser ..	Cookaatlina.
63 ..	Vincent Dowling ..	Windara, Left.
68 ..	J. Smith and T. Ridcal ..	Back Wee Tallaba.
69 ..	Wm. J. Fraser ..	Coomboocumbone.
71 ..	Vincent Dowling ..	Multagoona, Left.
1 October	Abraham Strettle ..	(Unnamed.)
3 ..	Francis Cadell ..	Walgiers, South.
4 ..	Kossak and Urquhart ..	Mount Arrowsmith.
5 ..	William Strettle ..	(Unnamed.)
6 ..	Do. ..	Do.
7 ..	Do. ..	Do.
8 ..	Do. ..	Do.
9 ..	Kossak and Urquhart ..	Mount Arrowsmith, East.
10 ..	Do. ..	Do., West.
11 ..	Abraham Strettle ..	(Unnamed.)
12 ..	Francis Cadell ..	Walgiers.
13 ..	John Baker ..	Outer Paringa Gaari.
20 ..	Abraham Strettle ..	(Unnamed.)
33 ..	C. W. Birch and C. Bride ..	Culgoa, North.
34 ..	John W. Colless ..	Back Cuthera Thumbenna.
35 ..	C. W. Birch and C. Bride ..	Culgoa, South.
36 ..	William J. Fraser ..	Cookathynah, South.
37 ..	John W. Colless ..	Cuthera Thumbenna.
38 ..	John L. Campbell ..	Peahpeah, West.
39 ..	Bryan Veitch ..	Yellow Waterhole Plain.
40 ..	J. and H. Nevell ..	Quandong.
42 ..	J. L. Campbell ..	Peahpeah, East.
45 ..	Neil Angus ..	Murrabuga.
1 November.	James R. Doyle ..	Block No. 3.
2 ..	Do. ..	Do. No. 2.
3 ..	Do. ..	Do. No. 1.
4 ..	John Single ..	Gumalaly.
6 ..	Thos. G. Dangar ..	Brec, No. 4.
7 ..	Do. ..	Do., No. 12.
8 ..	Do. ..	Do., No. 6.
9 ..	Do. ..	Ballandool, No. 2.
10 ..	Do. ..	Do., No. 1.
11 ..	Do. ..	Do., No. 12.
12 ..	Do. ..	Do., No. 3.
13 ..	Do. ..	Brec, No. 20.
15 ..	Do. ..	Do., No. 2.
16 ..	Do. ..	Do., No. 17.
17 ..	Do. ..	Ballandool, No. 3.
19 ..	Do. ..	Brec, No. 7.
20 ..	Samuel Smith ..	South Clover Creek.
21 ..	T. G. Dangar ..	Brec, No. 15.
22 ..	E. J. Bloxham ..	No. 1 Warrego, Back Block.
23 ..	Do. ..	No. 2 do., do.
24 ..	Do. ..	No. 3 do., do.
25 ..	Do. ..	No. 4 do., do.
26 ..	Do. ..	No. 5 do., do.
27 ..	Do. ..	No. 6 do., do.
28 ..	T. G. Dangar ..	Brec, No. 14.
29 ..	Do. ..	Ballandool, No. 10.
31 ..	Charles Edwards ..	Lower Dunlop, No. 3.
33 ..	T. G. Dangar..	Brec, No. 13.
35 ..	Do. ..	Do., No. 3.
36 ..	Do. ..	Do., No. 16.
40 ..	Do. ..	Do., No. 19.
41 ..	Do. ..	Do., No. 9.
48 ..	Do. ..	Do., No. 5.
50 ..	T. A. Smith ..	The Gap.

TENDERS FOR RUNS.

31

DATE OF TENDER.	NAME OF TENDERER.	NAME OF RUN.
1860.		
51 November..	T. G. Dangar	Bree, No. 13.
52 " ..	Do.	Do., No. 1.
54 " ..	Do.	Ballandool, No. 7.
55 " ..	Do.	Do., No. 9.
56 " ..	Do.	Do., No. 5.
57 " ..	Do.	Do., No. 6.
58 " ..	Do.	Do., No. 11.
59 " ..	James White.. ..	Narran, Back Run, East.
60 " ..	T. G. Dangar.. ..	Bree, No. 11.
61 " ..	Do.	Ballandool, No. 4.
63 " ..	Do.	Bree, No. 8.
64 " ..	W. H. Hill	Lower Dereary, Back Block.
65 " ..	T. G. Dangar.. ..	Bree, No. 10.
68 " ..	James White.. ..	Walgett, Back Run.
70 " ..	Henry Weaver	Bourbon.
71 " ..	Do.	New Warrina.
72 " ..	A. H. Macarthur	West Bundijoi.
73 " ..	Do.	New Marthygi.
74 " ..	Do.	East Bundijoi.
75 " ..	T. I. and W. W. Richardson	Yarran.
76 " ..	Andrew Kerr.. ..	Back Derribong.
83 " ..	John Corse	Cagildery, Back Run.
85 " ..	R. M. Johnson	Warge Rock, South.
87 " ..	James Sweeney	Winterville.
89 " ..	Wm. and T. Tom	Block D, or Bunda.
91 " ..	H. M. Phillips	Guapa.
93 " ..	James Morris	Yaigogoring.
94 " ..	William Minifri	
95 " ..	John Allen	Bald Hill, No. 2.
96 " ..	W. and T. Tom	Block C, or Emalby.
97 " ..	James Marsden	Butler's Dry Creek Run.
99 " ..	Thomas White	Murphys' Look Out.
108 " ..	Watson and Hewitt	Cowary, North.
112 " ..	John Williams	Buttyere.
114 " ..	H. Williams	Thounggo.
125 " ..	John Williams	Bampitch.
128 " ..	Francis Williams	Buttyere.
131 " ..	John D. Dunn	Jura.
132 " ..	Francis Williams	Thoura.
136 " ..	Thos. Williams	Wintholey.
143 " ..	Wm. N. Waller	Eyki, West.
144 " ..	John Mc'Nevin	Mullumundalo.
145 " ..	John D. Dunn	Leven Run.
148 " ..	Wm. N. Waller	Eyki, East.
149 " ..	Do.	Sutton, South.
150 " ..	G. Watson and C. Hewett	Wanalla.
151 " ..	Do.	Dubbo.
152 " ..	Wm. N. Waller	Sutton, North.
153 " ..	George Francis	Track, No. 2.
154 " ..	Wm. N. Waller	Ramsholt, South.
155 " ..	G. Watson and C. Hewett	Toallo.
156 " ..	George Francis	Track, No. 3.
158 " ..	Do.	Track, No. 4.
161 " ..	G. Watson and C. Hewett	Bundarra.
162 " ..	George Francis	Track, No. 1.
163 " ..	Wm. N. Waller	Ramsholt, North.
167 " ..	Vincent Dowling	Butha Butha, No. 1.
175 " ..	Do.	The Clear Water, East.
177 " ..	Do.	Bealpahe, West.
180 " ..	Do.	Butha Butha, No. 3.
184 " ..	Do.	Do. No. 2.
186 " ..	Do.	Moambah.
188 " ..	Do.	The Effluence Waterhole.
190 " ..	Do.	Butha Butha, No. 4.
192 " ..	Do.	Bealpah, East.
1 December..	Twaddell and Hibberson	Humbag.
2 " ..	J. C. Page	Iandra.
3 " ..	J. L. Campbell	Cullenburawong, West.
6 " ..	Wm. J. Disher	Mount Arie, East
8 " ..	Edward Jones	Box Ridges.
15 " ..	Geo. W. Lord	Block E, or Moural.
16 " ..	Wm. H. Hill.. ..	Upper Buna Buna.
17 " ..	Fredk. M. Hill	Bumblebura.
18 " ..	C. E. and A. C. Doyle	Upper Taloowah.
22 " ..	G. W. Lord	Talee.
25 " ..	C. E. and A. C. Doyle	Caloona.
26 " ..	Fredk. M. Hill	Bumblebura, West.
27 " ..	C. E. and A. C. Doyle	Taloowah.
29 " ..	Daniel Sullivan	Pur Pur.
32 " ..	Henry Frost	Waribray.
34 " ..	Do.	Carbil.
35 " ..	J. Onus and W. Gasper	Boen Boen, No. 1.
36 " ..	Do. do.	Do. No. 3.
37 " ..	Do. do.	Do. No. 2.
38 " ..	Do. do.	Do. No. 4.
39 " ..	Clement H. Chippendale.	Narrambool, Block No. 1.
40 " ..	Do.	Do. do. No. 2.
41 " ..	Do.	Do. do. No. 3.
42 " ..	Do.	Do. do. No. 4.

TENDERS FOR RUNS.

DATE OF TENDER.	NAME OF TENDERER.	NAME OF RUN.
1860.		
44 December..	John O'Shannassy	Block No. 3, Crowl's Creek.
46 " ..	Do.	Do. No. 2, do.
50 " ..	Do.	Do. No. 1, Crowl's Creek.
51 " ..	Do.	Do. No. 5, Crowl's Creek.
55 " ..	Do.	Do. No. 4, do.
81 " ..	R. R. Haverfeld	Leichhardt.
82 " ..	Do.	Evelyn.
1861.		
1 January ..	Charles Edwards	Lower Dunlop, No. 1.
3 " ..	Do.	Do. No. 2.
4 " ..	Do.	Do. Back Block No. 2.
10 " ..	R. H. Haverfeld	Boolool.
12 " ..	Do.	Denison.
20 " ..	J. Macfarlane	Leven Plains, Block No. 4.
21 " ..	Do.	Do. do. No. 3.
22 " ..	Do.	Do. do. No. 2.
23 " ..	J. A. Macfarlane	Do. do. No. 1.
28 " ..	Charles Friend	Back Creek, Block No. 1.
30 " ..	James Glass	Bookhira, Back Run, West.
31 " ..	Henry Langley	Langley, Block No. 4.
32 " ..	Do.	Do. do. No. 3.
33 " ..	Do.	Do. do. No. 4.
34 " ..	Eben Orr	Banget.
35 " ..	Robert Richards	Colleweroy East, Back.
36 " ..	Do.	Colleweroy East.
37 " ..	Andrew M'Kenzie	Woolamar and Mooling.
38 " ..	Do.	Mooling Moorah.
41 " ..	Henry Langley	Langley, Block No. 3.
42 " ..	James Glass	Kigwigel, Back Run, West.
44 " ..	William M'Kenzie	Berwill, Bernc, and Goingabar.
47 " ..	Thomas Phillips	Nurimar.
52 " ..	James Glass	Kigwigel, Back Run, East.
53 " ..	Do.	Bookhira Back, Back Run, East.
55 " ..	John Drinan	Goingabar.
56 " ..	Do.	Ginginberah.
57 " ..	John Eckford, junr.	Minin.
60 " ..	John Balfe	Lower Boomagil.
61 " ..	Edward Botfield	New Year's Ranger.
62 " ..	Alexr. M'Phail	Narrawaggy.
64 " ..	Alexr. Lilburne	Campbell Island.
68 " ..	J. J. Flood, junr., and C. Clarke	Mount Mungo.
38 February ..	J. W. Colless	Croker.
39 " ..	J. D. Brown	Barabah.
44 " ..	J. West, tertius	Cooney Paroo West, No. 9.
45 " ..	Do.	Do. do. No. 7.
46 " ..	Do.	Do. do. No. 10.
47 " ..	Do.	Do. East, No. 7.
48 " ..	Do.	Do. West, No. 8.
49 " ..	Do.	Do. do. No. 11.
50 " ..	Do.	Do. East, No. 9.
51 " ..	Do.	Do. do. No. 10.
52 " ..	Do.	Do. do. No. 8.
53 " ..	Do.	Do. West, No. 12.
54 " ..	Do.	Do. East, No. 11.
55 " ..	Do.	Do. do. No. 12.
56 " ..	E. Layton and T. Wilcox	Winterdale.
61 " ..	John Corse	Bircham East.
72 " ..	David Reid	Hermitage Plains, Block B.
73 " ..	Do.	Do. do. C.
74 " ..	Do.	Do. do. D.
75 " ..	Do.	Do. do. E.
76 " ..	Do.	Do. do. F.
77 " ..	Do.	Do. do. G.
78 " ..	Do.	Do. do. H.
79 " ..	Do.	Do. do. I.
80 " ..	Do.	Do. do. J.
81 " ..	Do.	Do. do. K.
82 " ..	Do.	Do. do. L.
83 " ..	Do.	Do. do. M.
84 " ..	Do.	Do. do. N.
85 " ..	Do.	Do. do. O.
86 " ..	Do.	Do. do. P.
172 " ..	J. H. Brooke	Essendon, Block B.
175 " ..	Do.	Do. do. E.
176 " ..	Do.	Do. do. F.
177 " ..	Do.	Do. do. G.
178 " ..	Do.	Do. do. H.
179 " ..	Do.	Do. do. I.
180 " ..	Do.	Do. do. J.
201 " ..	William Nash	West Panban, Block C.
203 " ..	Do.	West Paringi, do. B.
206 " ..	Do.	North do. do. C.
210 " ..	Do.	East Tarcoola, do. B.
212 " ..	Do.	South Panban, Block B.
221 " ..	Do.	Outer Back Bullamiong, Block A.
222 " ..	Do.	Do. do. B.
224 " ..	Do.	North Turlee, Block B.

TENDERS FOR RUNS.

83

DATE OF TENDER.	NAME OF TENDERER.	NAME OF RUN.
1861.		
226	William Nash	Outer Back Turlee, Block A.
227	Do.	South Gall Gall, Block B.
233	John O'Shannassy	Block No. 1, Crowl Creek.
234	Do.	Do. No. 2, do.
235	Do.	Do. No. 3, do.
236	Do.	Do. No. 5, do.
237	T. Hamilton	Blocks 1, 2, 3, 4, 5, 6, to be called Jim Crow Run.
255	Do.	Blocks 1, 2, 3, 4, 5, 6, to be called Hamilton Bank.
329	John O'Shannassy	Block No. 4, Crowl Creek.
7	Henry Williams	Curranyelpa.
8	Do.	Wey-yel-watht.
9	Do.	Outer Yarrange.
10	Do.	Yarrange.
11	Thomas Williams	Mercumulu.
12	Francis Williams	Pallaara.
16	Robert Dunn	Ballenah.
17	Henry Chambers	Popilkara.
19	Michael Brophy	Peer Peer.
31	D. and S. O. Sullivan	The Miall Plains.
32	J. C. Raven	A 2.
33	Do.	A 3.
34	C. B. Penfold	B 1.
35	Do.	B 2.
36	Do.	B 3.
37	J. C. Raven	A 1.
41	Murchison and Cunthbert	Toroota Swamp.
42	R. P. Laugmore	Block No. 1, Horton Kirby.
43	Do.	Do. No. 2, do.
47	Do.	Do. No. 4, do.
48	Do.	Do. No. 3, do.
54	Thomas Waite	Hermitage Plains, Block A 4.
55	Do.	Do. do. A 2.
56	Do.	Do. do. A 3.
61	David Reid	Do. do. S.
62	Do.	Do. do. R.
63	Do.	Do. do. W.
64	Do.	Do. do. V.
65	Do.	Do. do. U.
66	Do.	Do. do. T.
67	Do.	Do. do. Q.
100	Drummond and Ferrall	Indi Run North.
101	Do do.	Do. South.
13 April	C. E. and A. C. Doyle	Upper Caloona.
14	William Yeo	Back Cowgar and Teriabola.
19	John Corrigan	Ulah, Back Run.
32	William Yeo	Back Go Garilley.
33	George M'Quiggin	Cambongoing.
42	William Yeo	Back Will Bill Bill.
48	Loren Dena	Billar, Block No. 1.
49	Do.	Do. do. No. 2.
51	Alfred J. Pechey	Nedgera.
55	J. and H. Osborne	West Momalong.
56	Thomas Monahan	Clovernook.
83	W. T. A. Gosper	Hello, No. 1.
84	Do.	Do. No. 2.
85	William Wood	Mibi.
87	John M'Intosh	Thurro Mullin.
89	William Gosper	Williewarrina Springs.
90	William Gerard	Doveridge.
91	Do.	Snelston.
94	D. M. M'Lean	Yarra Yarra Swamp.
4 May	John Robinson	North Yarraman.
5	Do.	Carrackabool.
6	William Elliott	Towwong.
7	William Ray	Walgiers, No. 1.
10	Francis Cadell	Walgiers, No. 2.
12	Do.	Goombyne.
13	Henry Williams	Boocali.
14	Do.	Hamlyn.
15	C. H. Clough and Co.	Mulyeh.
16	George Williams	Baroona.
17	C. H. Clough and Co.	Meilyerch.
18	Francis Williams	Garoopan.
19	C. H. Clough and Co.	Toonarbin.
20	Do.	Winnawatah.
21	Thomas Williams	Bengora Creek, or Mount Doubery.
22	David Reid	Do. do.
23	Do.	Do. do.
24	Thomas Williams	Culthe.
2 June	Charles Job	Noona.
3 June	A. & J. Glass and J. Corrigan	Cumadon West.
12	C. E. & A. C. Doyle	Giddia Plains.
14	Do.	Pine Ridge Plains.
26	John Nelson	Ultveyah.
28	M. H. Black	Panban.
29	John Neilson	Geotocookoo.

TENDERS FOR RUNS.

DATE OF TENDER.	NAME OF TENDERER.	NAME OF RUN.
1861.		
30 June	T. and G. Lang	Ladhope.
31 "	John Neilson	Ulweyah.
32 "	Do.	Walenyah.
33 "	Watts Newland	Kallara, North-west.
34 "	John Neilson	Akaawalk.
35 "	Watts Newland	Kallara, North-west.
37 "	John Neilson	Buttelyah.
38 "	Do.	Pimpucco.
39 "	Do.	Uyluyarah.
41 "	Do.	Murpah.
8 July	William Tate	Wallabrah.
9 "	J. W. Colliss	Undowrer, East.
10 "	Do.	Undowrer.
16 "	J. W. Colliss	Junction Station.
18 "	J. D. McLean	No. 2, Wangarana.
19 "	Do.	No. 4, do.
20 "	Do.	No. 3, do.
21 "	Do.	No. 1, do.
22 "	David Reid	Hermitage Plains, Block S.
23 "	D. P. Keogh	Uroa, Block No. 9.
24 "	Do.	Do. No. 8.
25 "	Do.	Do. No. 4.
27 "	Do.	Do. 1.
29 "	Do.	Do. No. 6.
30 "	Do.	Do. No. 7.
34 "	Do.	Do. No. 3.
36 "	Thomas Dargin	Nombce.
38 "	C. P. Burne	Weangroodoo.
39 "	Thomas Dargin	Mundaba.
41 "	D. P. Keogh	Uroa, Block No. 2.
42 "	C. P. Burne	Uambo.
45 "	E. Berthin	Albany.
46 "	Do.	Cambria.
47 "	Do.	Catr's Plains.
48 "	Do.	Tincomb.
49 "	Do.	Broomhill.
50 "	Do.	Annesley.
51 "	Thomas Dargin	Merarah.
53 "	Do.	Toowoomba.
54 "	D. P. Keogh	Uroa, Block No. 6.
61 "	W. G. Conn and T. G. Drew	Bongora Creek, or Busby Park.
74 "	G. W. Bloodworth	Gundegalan.
75 "	Henry Frost	Keelnoey Scrub, North, or Keelnoey, North
77 "	Do.	Rock Station.
78 "	Campbell and Rankin	Drillwarrener, West.
79 "	W. H. Brotherton	Pipeclay Springs.
80 "	S. M'Caughey and J. Cochran	Eglisli.
81 "	A. W. Ruffy and E. Sawtell, junr.	East Ground.
82 "	Do. do.	North Dam.
1 August	Alfred Baker	Gunalah.
4 "	William Meers	New Mullinguldry.
5 "	Henry Frost	Geerl and Kecanbar.
6 "	William Bowman	Badahone.
7 "	Thos. M'Namara	Back Creek, No. 1.
8 "	Do.	Do. No. 2.
9 "	William Bowman	Back Bookambon.
10 "	Do.	Bookambon.
11 "	T. G. Dangar	Old Fort Bourke, No. 3.
12 "	Do.	Do.
13 "	Do.	Do. Back Run, No. 3.
15 "	Do.	Do. Back Run.
16 "	Do.	Do. No. 2.
18 "	Francis Meston	Old Fort Bourke.
19 "	John B. Watt	Oxley, No. 2.
20 "	Do.	Oxley No. 1.
21 "	D. P. Keogh	Uroa, Block No. 12.
22 "	Do.	Uroa A, No. 2.
23 "	Do.	Do. A, No. 8.
24 "	Do.	Uroa B, No. 8.
25 "	Do.	Do. B, No. 1.
26 "	Do.	Do. B, No. 3.
27 "	Do.	Do. A, No. 4.
28 "	Do.	Do. A, No. 5.
29 "	Do.	Do. A, No. 6.
30 "	Do.	Do. A, No. 7.
31 "	Do.	Do. B, No. 7.
32 "	Do.	Do. Block 22.
33 "	Do.	Do. do. 24.
34 "	Do.	Do. A, No. 1.
35 "	Do.	Do. B, No. 6.
36 "	Do.	Do. A, No. 10.
37 "	Do.	Do. B, No. 10.
38 "	Do.	Do. B, No. 9.
39 "	Do.	Do. A, No. 9.
40 "	Do.	Do. Block 23.
41 "	Do.	Do. do. 52.

TENDERS FOR RUNS.

DATE OF TENDER.	NAME OF TENDERER.	NAME OF RUN.
1861.		
42 August ..	D. P. Keogh	Uroa, Block 50.
43 " ..	Do.	Do. do. 51.
44 " ..	Do.	Do. do. 12.
45 " ..	Do.	Do. B, No. 4.
46 " ..	Do.	Do. Block No. 10.
47 " ..	Do.	Do. A, No. 3.
48 " ..	Do.	Do. Block No. 21.
49 " ..	T. G. Dangar	Old Fort Bonrke, No. 2, Back Run.
50 " ..	D. P. Keogh	Uroa, Block No. 11.
51 " ..	John Burton	Meldrum.
52 " ..	C. W. Birch	Barwin C.
53 " ..	Do.	Barwin C, Back.
55 " ..	Do.	Barwin A.
56 " ..	Do.	Barwin A, Back.
57 " ..	Do.	Barwin B.
58 " ..	Do.	Barwin B, Back.
59 " ..	S. F. Simpson	Huddenda.
60 " ..	D. P. Keogh	Uroa B, No. 5.
61 " ..	Do.	Do. B, No. 2.
63 " ..	S. F. Simpson	Cajildry.
64 " ..	Francis Meston	Mianditta.
87 " ..	John Hood	Mount Bengora, No. 1.
88 " ..	Do.	Do. No. 2.
89 " ..	Do.	Do. No. 3.
90 " ..	Do.	Do. No. 4.
91 " ..	Do.	Do. No. 5.
92 " ..	Frederick Acheson	Paldramata.
93 " ..	John Hood	Mount Bengora, No. 6.
94 " ..	Do.	Do. No. 7.
95 " ..	Do.	Do. No. 8.
96 " ..	Do.	Do. No. 9.
97 " ..	Do.	Wardominta, No. 1.
98 " ..	Do.	Do. No. 2.
99 " ..	Do.	Do. No. 3.
100 " ..	Do.	Do. No. 4.
101 " ..	Do.	Do. No. 5.
102 " ..	Do.	Torowoto, No. 1.
103 " ..	Do.	Do. No. 2.
104 " ..	G. E. Curlewis	Coruma.
105 " ..	Do.	St. Sebastian.
106 " ..	Do.	Fort George.
107 " ..	Do.	St. Jude.
108 " ..	Do.	St. Michael.
109 " ..	Do.	St. Agnes.
110 " ..	Frederick Achison	Bulloo, No. 1.
111 " ..	Do.	Do. No. 2.
112 " ..	Do.	Do. No. 3.
113 " ..	Do.	Do. No. 4.
118 " ..	Henry Williams	Pullorie.
127 " ..	James Iuchan	Gerin Gerin.
129 " ..	Do.	Boogwin.
133 " ..	John Smith	Block No. 2.
134 " ..	Do.	Do. No. 3.
135 " ..	James Iuchan	Mutta.
136 " ..	John Smith	Block No. 1.
138 " ..	James Iuchan	Moogogonong.
139 " ..	John Smith	Block No. 4.
140 " ..	James Iuchan	Keejung.
1 September ..	Thorold and Tisdall	Yambooi Warramble.
2 " ..	Do.	Curree Warramble.
3 " ..	Do.	Bugindia Plain.
4 " ..	T. G. Dangar	Culgoa, No. 5.
5 " ..	Do.	Do. No. 13.
6 " ..	Do.	Do. No. 10.
8 " ..	Do.	Do. No. 7.
9 " ..	Do.	Do. No. 8.
10 " ..	Do.	Do. No. 9.
11 " ..	Do.	Do. No. 2.
12 " ..	Do.	Do. No. 6.
13 " ..	Do.	Do. No. 12.
14 " ..	Do.	Do. No. 4.
15 " ..	Do.	Do. No. 1.
16 " ..	Do.	Do. No. 11.
17 " ..	Do.	Do. No. 3.
19 " ..	Andrew Wilson	Fancy Ground Creek.
20 " ..	Charles Friend	Tunder, Block No. 2.
21 " ..	William Bowman	Monkey, North.
22 " ..	William Ryan	
23 " ..	William Bowman	Monkey, South.
28 " ..	Sydney Powell	Bumble.
56 " ..	C. E. Wright	Mount Lyell, North.
57 " ..	Do.	Tongowoko, West.
58 " ..	Do.	Mount Lyell, South.
69 " ..	Do.	Tongowoko, East.

TENDERS FOR RUNS.

DATE OF TENDER.	NAME OF TENDERER.	NAME OF RUN.
1861.		
60 September..	Messrs. Hyde, Stokes, Nixon, and Woodhouse	Berithall.
69	H. M. Whitehead	Carracoolar.
78	Vincent Dowling	Moco Barungha, No. 6.
79	Charles Thorne	Nintingbok.
80	Vincent Dowling	Moco Barungha, No. 1.
81	Do.	Do. No. 11.
82	Do.	Do. No. 9.
83	Do.	Do. No. 7.
84	Do.	Do. No. 4.
85	Do.	Do. No. 3.
86	Do.	Do. No. 12.
87	Do.	Do. No. 2.
88	Do.	Do. No. 5.
89	Do.	Do. No. 8.
90	Do.	Do. No. 10.
91	G. H. Smith	Tridar.
92	J. M. Marsh	Elwin.
93	W. J. Mernane	Eakey, No. 11 Block, East Bogan.
94	D. McKillop	Southampton.
95	D. Harrison	South Moomolong.
15 October ..	Francis Cadell	Coopal.
16	John Cameron	Harriette Plains.
17	Do.	Willoc Willoc.
23	Do.	Crichton.
24	Duncan Macrae	Fassifern.
26	Richard Bill	Periera, Block B.
27	J. C. Myers	East Yencanya.
28	Alexr. McCullough	Ganguera.
31	J. C. Myers	Outer Yencanya.
32	Richard Bill	Periera, Block A.
37	Francis Cadell	Matya.
46	J. C. Myers	West Yencanya.
49	Alexr. McCullough	Ratisbone.
60	George Bates	Maria Plains.
61	Duncan M'Rua	Tara.
65	John Hoskinson	New Carrua, No. 1.
66	Thomas Hoskinson	Curl Curl, No. 1.
68	George Peat	Gilgunia.
70	Julius Jeffreys	Miranda.
95	John Downie	North Howlong.
98	Edward Jones	Four Bob Camp.
107	J. F. Doyle	Brinda.
110	Henry Smith	New Mole.
111	C. Doyle and Geo. Smith	The Mole, North.
112	F. Mathew and J. R. Doyle	Boreal.
113	C. P. Burns	Burrumbly.
114	F. Mathew and J. R. Doyle	Denamberall.
115	T. G. Dangar	Cordovan, West.
116	John F. Doyle	Cunambede.
117	T. G. Dangar	Cordovan.
120	Do.	Cordovan, No. 1.
121	F. Mathew and J. R. Doyle	Gambically.
122	T. G. Dangar	Cordovan, No. 2.
123	John F. Doyle	Tarla.
125	Thomas Hungerford	Towtowra.
126	John K. Doyle	The Hospital Water Hole.
127	J. Cameron and E. Quin	Waanup.
135	David L. Daziel	Back Terrangan.
139	Arthur Dewhurst	Marumble.
145	Thos. Macnamara	Back Warran.
5 November..	J. Yeomans	Mohanna, West.
8	J. F. Pinnkett	Boah.
13	W. McIntosh	Curringall.
14	T. G. Dangar	Melchomi, No. 10.
15	Do.	Pilliga Back, No. 2.
17	W. C. Slyman	Boma Boma Brigalow.
18	J. Whitford	Baraneal, East.
19	T. G. Dangar	Pilliga Back, No. 1.
20	W. C. Slyman	Boma Boma Brigalow, No. 2.
21	T. G. Dangar	Melchomi, No. 9.
23	J. Scott	East Tooran.
25	S. Phillips	Bullock Creek.
28	J. Readford	Narrow part of Never tired or Jack's Lagoon.
29	J. C. Bagot	Grandool, Qry. South or West.
30	T. Richardson	Trillawarrener or Amidong.
33	W. E. Bayldon	Billingsland.
34	J. Cameron	Mobernbi.
35	Do.	Forest Run.
10 December..	P. Harford	Gum Hole, East.
11	Do.	Sandy Carwell.
18	A. H. Palmer, Agent for Grace Dangar	Bulycori, South, No. 3.
22	Do.	Curragh.
23	Do.	Bulycori, South, No. 4.

TENDERS FOR RUNS.

37

DATE OF TENDER.	NAME OF TENDERER.	NAME OF RUN.
1861.		
24 December..	A. H. Palmer, Agent for Grace Dangar	Bulyeori South, No. 4.
25 " ..	Do.	Curragh, No. 2.
29 " ..	W. E. P. Giles	Brittan.
30 " ..	Do.	Como.
33 " ..	D. Reid	Uncana.
34 " ..	W. G. Conn	Yantara.
35 " ..	Do.	Do.
36 " ..	Do.	Tarawonda.
37 " ..	D. Reid	Uncana.
40 " ..	Do.	Menderic.
43 " ..	W. A. Brodribb	Sebastopol, Block E.
45 " ..	T. G. Dangar	Humanbah Back.
46 " ..	Do.	North Ulah.
47 " ..	Do.	Back Gurnoaira.
48 " ..	Do.	Back Kunreeberee.

A. ORPEN MORIARTY,

Chief Commissioner of Crown Lands.

*Crown Lands Occupation Office,
Sydney, 13 August, 1862.*

Sydney: Thomas Richards, Government Printer.—1862.

[Price, 10d.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CROWN LANDS.

(DZ RUN—CORRESPONDENCE RESPECTING.)

Ordered by the Legislative Assembly to be Printed, 5 November, 1862.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 9 September, 1862, That there be laid upon the Table of this House,—

- “ (1.) All Correspondence between the Warrego Commissioner and the Government, relative to the rejection of Mr. Thomas Gordon Dangar’s tender for the DZ Run.
- “ (2.) All Correspondence between the Government and Mr. Dangar, on the same subject.
- “ (3.) Copies of Mr. Dangar’s original Tender for the DZ Run.
- “ (4.) Copy of the Tender on which this land has been leased to Mr. A. K. Collins.
- “ (5.) The Report of the Warrego District Commissioner upon the DZ Run, and upon the Run that embraces the land included in the DZ Run.”

(Mr. Rusden.)

CHIEF COMMISSIONER OF CROWN LANDS to UNDER SECRETARY FOR LANDS.

*Crown Lands Occupation Office,
Sydney, 22 October, 1862.*

SIR,

Pursuant to the instructions contained in the communication forwarded to me, under blank cover, on the 16th ultimo, I have the honor to forward copies of certain correspondence relating to tenders of Mr. Thomas Gordon Dangar, which will be found to embody the information ordered by the Legislative Assembly, on the 9th of the same month, as far as it is practicable to afford it.

2. The greater part of this correspondence relates to other tenders (viz., D 4 No. 4 and D 4 No. 5) of Mr. Dangar’s than that which is mentioned in the resolution; but I have thought it advisable to supply the whole, with a view to the true understanding of the case. It will be seen that Mr. Dangar’s representations had reference at first to these other tenders alone, as having been erroneously transmitted to Queensland, and that they were returned to

685—A

this

Nos. 132 and 133
of July, 1859.

this Office by the Queensland authorities at his instance—the DZ tender, No. 139 of July, 1859, not being returned with them, because not mentioned in his application. It was only after the correspondence with respect to those other tenders had been closed, that Mr. Dangar sought to re-open it, then for the first time referring to the DZ tender, as if the previous correspondence had been in relation to it. It is thus quite obvious, that this gentleman was not only in ignorance of the country to which his tenders might apply, but in ignorance of what applications he had made.

3. Adverting to the 3rd, 4th, and 5th paragraphs of the resolution, I beg to explain that the DZ tender being in the possession of the Queensland Government, I am unable to supply a copy of it. Neither can I supply the required copy of the tender in which the land has been leased to Collins, or of the report of the Warrego Commissioner thereupon,—because, in so far as the position which the DZ tender would have occupied can be ascertained, it would not have applied to any land leased to Mr. Collins, while Mr. Dangar himself has represented it to have been intended for country twenty miles distant.

I have, &c.,

A. ORPEN MOBIARTY,
Chief Commissioner of Crown Lands.

SCHEDULE.

NO.	PAGE.
1. Commissioner of Crown Lands, Warrego, to the Acting Chief Commissioner of Crown Lands, returning Abstracts of Tenders for runs now included in the Colony of Queensland. 5 June, 1860	3
2. The Chief Commissioner of Crown Lands, Brisbane, to the Chief Commissioner of Crown Lands, Sydney, forwarding certain tenders for new runs to be in the District of Warrego. July, 1861	3
3. T. G. Dangar to Chief Commissioner of Crown Lands, forwarding copy of letter from Crown Lands Office, Queensland, &c. 12 July, 1861	6
4. Chief Commissioner of Crown Lands, Sydney, returning tenders for Irrerah No. 1 and No. 8 to Chief Commissioner of Crown Lands, Queensland. 26 July, 1861	6
5. Chief Commissioner of Crown Lands, Queensland, to Chief Commissioner of Crown Lands, New South Wales, in reference to Irrerah tenders of Mr. Dangar. 3 August, 1861	7
6. Chief Commissioner of Crown Lands to Commissioner, Warrego, forwarding T. G. Dangar's letter of 12 July 1861. 5 August, 1861.. .. .	7
7. Chief Commissioner of Crown Lands, New South Wales, to Chief Commissioner, Brisbane, in reply to No. 5. 18 September, 1861	7
8. Commissioner of Crown Lands, Warrego District, to the Chief Commissioner of Crown Lands, reporting on Mr. T. G. Dangar's letter of 12 July, 1861. 28 October, 1861	7
9. Chief Commissioner of Crown Lands, Sydney, to Commissioner, Warrego, acknowledging foregoing. 28 December, 1861	8
10. Chief Commissioner of Crown Lands, Sydney, to T. G. Dangar, in reply to his letter of 12 July, 1861. 23 December, 1861	8
11. Commissioner, Warrego, in reply to query in No. 9. 25 January, 1862.. .. .	8
12. T. G. Dangar to Chief Commissioner, acknowledging receipt of No. 10, &c. 22 April, 1862.. .. .	8
13. T. G. Dangar to Chief Commissioner, Sydney, as to DZ Run. 24 April, 1862	9
14. T. G. Dangar to Minister for Lands, duplicate of No. 13 to Chief Commissioner. 24 April, 1862	9
15. Chief Commissioner of Crown Lands, Sydney, acknowledging receipt of No. 12. 9 May, 1862. 10	10
16. Chief Commissioner in reply to No. 13. 10 May, 1862	10

CROWN LANDS.

No. 1.

COMMISSIONER OF CROWN LANDS, WARREGO, to ACTING CHIEF COMMISSIONER OF
CROWN LANDS.

*Crown Lands Office,
Warrego, 5 June, 1860.*

SIR,

I do myself the honor to return the abstracts of tenders named in the margin, the land tendered for being situated in the Colony of Queensland.

I have, &c.,
A. G. D. HUTHWAITE,
C. C. Lands.

Nos. 129 to 137, 151, 153,
154, 155, of July, 1859.
Nos. 231, 232, 233, 234, 236,
238, 239, 240, 242, 244, 251,
254, 261, 262, 265, 266, 267,
271, 272, 273, 276, 277, 286,
288 to 290 to 299, of Nov.,
1859. Nos. 3, 86, and 108,
of February, 1860.

Forwarded (with original tenders) to the Under Colonial Secretary of Queensland, as documents
pertaining to that Colony.

*Department of Lands,
11 July, 1860.*

MICHL. FITZPATRICK.

Transmitted to the Surveyor General.—B. C., 17 July, 1860.—A. O. M.

No. 2.

CHIEF COMMISSIONER OF CROWN LANDS, BRISBANE, to CHIEF COMMISSIONER OF CROWN
LANDS, SYDNEY.

*Crown Lands Office,
Brisbane, July, 1861.*

SIR,

Having received the accompanying communications from Mr. C. Bride and Mr. Thomas G. Dangar, requesting me to return certain tenders of theirs, which were originally opened in New South Wales and transmitted to me as within this Colony, I have the honor herewith to forward the tenders in question, with the exception of those for Cubady, and Cubady West, which have been tendered for by Mr. B. Bride.

West Frings.
West Billaley.
Erings.
Billaley.
Irrerah, No. 1.
Irrerah, No. 8.
D 4 No. 4.
D 4 No. 6.

I have, &c.,
A. O. HERBERT.
(For the Chief Commissioner of Crown Lands).

[Enclosure 1 in No. 2.]

C. Bride to the Chief Commissioner of Crown Lands, Brisbane, requesting that certain tenders may be re-transmitted to New South Wales. 4 June, 1861.

Tenders, with the exception of Cubady, and West do., tendered for by B. Bride, to be forwarded to the N.S.W. Government, in compliance with this request. Tender books to be noted, and Mr. Bride to be informed.

C. C. Lands, Sydney.

Mr. Bride.—2 July, /61.

A. O. H.
1/7/61.

[Enclosure 2 in No. 2.]

*Bullerawa, Wee Waa, Namoi River,
New South Wales, 4 June, 1861.*

SIR,

It having transpired that the 30th parallel will cut off my tenders for land known as D 4, Nos. 4 and 5, and Irrerah, Nos. 1 and 8, situated on and near the Warrego, in the District of Maranoa, I do myself the honor to request that my tenders referred to may be transmitted to the Government of New South Wales, for the report of the Commissioner of the Warrego, in which district these lands appear to be situated.

The Chief Commissioner of Crown Lands,
Brisbane, Queensland.

I have, &c.,
THOS. G. DANGAR.

See 61-2178. Similar course to be pursued.—A. O. H. 2/7/61.
Commissioner of Crown Lands and Mr. Dangar informed. 2 July, 1861.

[Enclosure

[Enclosure 3 in No. 2.]

C. Bride's tender for Eringa West.

[Enclosure 4 in No. 2.]

C. Bride's tender for West Billaley.

[Enclosure 5 in No. 2.]

C. Bride's tender for Eringa.

[Enclosure 6 in No. 2.]

C. Bride's tender for Billaley.

[Enclosure 7 in No. 2.]

T. G. Dangar's tender for Irrerah No. 1.

[Enclosure 8 in No. 2.]

T. G. Dangar's tender for Irrerah No. 8.

NOTE.—Enclosures Nos. 7 and 8 re-transmitted to Chief Commissioner of Crown Lands, Queensland, by letter, dated 26 July, 1861.

[Enclosure 9 in No. 2.]

TENDER FOR A LEASE OF A NEW RUN OF CROWN LANDS.

Unsettled Districts.

IN accordance with the provisions contained in Her Majesty's Order in Council, published in the *New South Wales Government Gazette*, of the 7th October, 1847, and of the Regulations of the Local Government, published in pursuance thereof, I, Thomas Gordon Dangar, of Bullerawa, Wee Waa, do hereby propose to take a lease, for fourteen years, of the Crown Lands known as D 4 No. 6, in the District of Wellington; which lands are particularly described in the schedule annexed to this tender.

2. And in consideration of such lease, I am willing, and hereby offer to pay in advance the minimum rent, below which it is provided by the said Order in Council that no run shall be let, namely, ten pounds per annum, with two pounds ten shillings per annum added thereto for every thousand sheep, or their equivalent in cattle, beyond four thousand sheep or their equivalent, which the run shall, under the provisions of the said Order in Council, be estimated as capable of carrying; and also, in consideration of such lease, and by way of premium for the same, I do offer to pay yearly, in advance, the further sum of one pound in addition to the amount of the said minimum rent.

3. And I do agree, that in the event of this tender being accepted by His Excellency the Governor General, and of such acceptance being notified in the *New South Wales Government Gazette*, I will, within sixty days after such notification, pay into the hands of the Colonial Treasurer, at Sydney, as and for the first year's rent of the said run, notwithstanding that the lease of the said run may not have been executed, the sum of eleven pounds, being the amount, according to my computation of the grazing capabilities of the run, of the payments which I have above offered to make, viz. :—

	£	s.	d.
Minimum yearly rent below which no run can be let.....	10	0	0
Further payment, at the rate of £2 10s. per thousand for the number of stock above four thousand sheep, or their equivalent, which the run applied for is estimated to be capable of carrying			
Additional yearly payment offered by way of premium	1	0	0
Total.....	£11	0	0

Such payment, nevertheless, to be without prejudice to the subsequent adjustment of the rent, according to the second and third sections of the second chapter of the above-mentioned Order in Council.

4. And I do agree, that in the event of this tender being accepted, to subscribe to the following conditions, viz. :—That in addition to all other terms prescribed by the present Regulations, the occupancy of the said run, and the lease to be ultimately issued, shall be subject to any new or modified conditions which the Legislature may impose.

5. And in consideration of this tender being accepted, and in the event of such payment not being made within the before-mentioned period of sixty days, I further agree to forfeit to Her Majesty the sum of twenty pounds, by way of liquidated damages, and to forfeit any right acquired by virtue of this tender and such acceptance thereof as aforesaid.

Given under my hand this 11th day of June, A.D. 1859.

(Signature of Applicant) THOS. G. DANGAR.

To the Chief Commissioner of Crown Lands,
Sydney.

P.S.—Tenderers for runs are requested to be particular in affixing their signatures to the tender in the proper places, and, to prevent inconvenience and delay, to name an agent in Sydney, to attend to their interests in the tender.

SCHEDULE

CROWN LANDS.

5

SCHEDULE referred to in the foregoing Tender.

Commissioner's District and General Locality.	Name of Run.	Estimated Number of Acres.	Estimated Capability.		Description of the Lands by reference to leading Geographical Features, and marked or determined Boundary Lines.
			Cattle.	Sheep.	
District of Wellington, on the Burra-warrah Creek, on the northern side of the Lower Barwin River.	D 4, No. 5.	16,000	640	.....	On the east side of the Burra-warrah Creek, commencing fifteen miles below a tree marked D 4 on that creek, claiming a frontage of five miles downwards on that creek, to the northern boundary of land tendered for by applicant as DZ run, with a back run of five miles.

(Signature of Applicant) THOMAS G. DANGAR.

Under the statement contained in Mr. Dangar's letter of the 12th July, 1861 (61/5759), and Mr. Commissioner Huthwaite's report, dated 28th October, 1861 (61/9607), that the tender (which was intended to be for land situated to the north of the Queensland boundary) is for land which is on the east side of the River Warrego, and had been applied for in previous tenders, I recommend that it be declined.

A. ORPEN MORIARTY,
Chief Commissioner of Crown Lands.

[Enclosure 10 in No. 2.]

TENDER FOR A LEASE OF A NEW RUN OF CROWN LANDS.

Unsettled Districts.

In accordance with the provisions contained in Her Majesty's Order in Council, published in the *New South Wales Government Gazette*, of the 7th October, 1847, and of the Regulations of the Local Government, published in pursuance thereof, I, Thomas Gordon Dangar, of Bullerawa, Wee Waa, do hereby propose to take a lease, for fourteen years, of the Crown Lands known as D 4 No. 4, in the District of Wellington; which lands are particularly described in the schedule annexed to this tender.

2. And in consideration of such lease, I am willing, and hereby offer to pay in advance the minimum rent, below which it is provided by the said Order in Council that no run shall be let, namely, ten pounds per annum, with two pounds ten shillings per annum added thereto, for every thousand sheep, or their equivalent in cattle, beyond four thousand sheep or their equivalent, which the run shall, under the provisions of the said Order in Council, be estimated as capable of carrying; and also, in consideration of such lease, and by way of premium for the same, I do offer to pay yearly, in advance, the further sum of one pound, in addition to the amount of the said minimum rent.

3. And I do agree, that in the event of this tender being accepted by His Excellency the Governor General, and of such acceptance being notified in the *New South Wales Government Gazette*, I will, within sixty days after such notification, pay into the hands of the Colonial Treasurer, at Sydney, as and for the first year's rent of the said run, notwithstanding that the lease of the said run may not have been executed, the sum of eleven pounds, being the amount, according to my computation of the grazing capabilities of the run, of the payments which I have above offered to make, viz. :—

Minimum yearly rent below which no run can be let.....	£	s.	d.
Further payment at the rate of £2 10s. per thousand for the number of stock above four thousand sheep, or their equivalent, which the run applied for is estimated to be capable of carrying	10	0	0
Additional yearly payment offered by way of premium	1	0	0
Total.....	£11	0	0

Such payment, nevertheless, to be without prejudice to the subsequent adjustment of the rent, according to the second and third sections of the second chapter of the above-mentioned Order in Council.

4. And I do agree, that in the event of this tender being accepted, to subscribe to the following conditions, viz. :—That in addition to all other terms prescribed by the present Regulations, the occupancy of the said run, and the lease to be ultimately issued, shall be subject to any new or modified conditions which the Legislature may impose.

5. And in consideration of this tender being accepted, and in the event of such payment not being made within the before-mentioned period of sixty days, I further agree to forfeit to Her Majesty the sum of twenty pounds by way of liquidated damages, and to forfeit any right acquired by virtue of this tender and such acceptance thereof as aforesaid.

Given under my hand, this 11th day of June, A.D., 1859.

(Signature of Applicant) THOS. G. DANGAR.

To the Chief Commissioner of Crown Lands,
Sydney.

P.S.—Tenderers for runs are requested to be particular in affixing their signatures to the tender in the proper places, and, to prevent inconvenience and delay, to name an agent in Sydney to attend to their interests in the tender.

SCHEDULE

CROWN LANDS.

SCHEDULE referred to in the foregoing Tender.

Commissioner's District and General Locality.	Name of Run.	Estimated Number of Acres.	Estimated Capability.		Description of the Lands by reference to leading Geographical Features, and marked or determined Boundary Lines.
			Cattle.	Sheep.	
District of Wellington, situated on the Burrawarrah Creek, on the north side of the Barwin River.	D. 4, No. 4	16,000	640	.....	On the west bank of the Burrawarrah Creek; commencing fifteen miles south from a tree marked D 4 on that creek, and extending down that creek five miles to the northern boundary of a run tendered for by applicant as DZ Run, with a back run of five miles, including Irrerah Creek.

(Signature of Applicant) THOS. G. DANGAR.

Under the statement contained in Mr. Dangar's letter of the 12th July, 1861 (61/5759), and Mr. Commissioner Huthwaite's report, dated 23th October, 1861 (61/9607), that this tender (which was intended for land situated to the south of the Queensland boundary) is for land on the west side of the River Warrego, which was not open to tender at the date of application, I recommend that it be declined.

A. ORPEN MORIARTY,
Chief Commissioner of Crown Lands.

Tenders 62 to 122, being tenders already received in New South Wales, are to be recorded according to their respective dates.

A. C. GREGORY.

No. 3.

T. G. DANGAR, Esq., to CHIEF COMMISSIONER OF CROWN LANDS.

*Bullerawa, Wee Waa,
Namoi River, 12 July, 1861.*

SIR,

I do myself the honor to annex hereto a letter that I have received from the Crown Lands Office, Queensland, respecting four of my tenders that are proved to be situated in the Warrego district, in the Colony of New South Wales, and to request that they may take precedence according to the date of their original reception and opening at Sydney, and that on their receipt by you they may be re-transmitted to the Commissioner of the Warrego, for his future and speedy report.

I have, &c.,

THOS. G. DANGAR.

[Enclosure in No. 3.]

*Crown Lands Office,
Brisbane, 2 July, 1861.*

Sir,

With reference to your letter of the 4th June, requesting me to forward your tenders, named Irrerah, 1 and 8, in the margin, to New South Wales, to be reported upon by the Commissioner of Crown Lands for the D4-4 and 5. district of Warrego, I have the honor to inform you that I have complied with your request, and have forwarded the tenders in question to the Crown Lands Office, Sydney.

I have, &c.,

T. G. Dangar, Esq.,
Bullerawa, Wee Waa,
Namoi River.

A. O. HERBERT.
(For the C.C.C.L.)

No. 4.

CHIEF COMMISSIONER OF CROWN LANDS, NEW SOUTH WALES, to CHIEF COMMISSIONER OF CROWN LANDS, QUEENSLAND.

*Crown Lands Office,
Sydney, 26 July, 1861.*

SIR,

I have the honor to acknowledge the receipt of your letter of the — instant, enclosing certain tenders as therein specified, and beg to return herewith the two tenders by Mr. Dangar, being Nos. 14 and 15, of August, 1860, which were addressed to the Queensland Government.

I have, &c.,

A. ORPEN MORIARTY,
Chief Commissioner of Crown Lands.

No. 5.

CROWN LANDS.

7

No. 5.

CHIEF COMMISSIONER OF CROWN LANDS, QUEENSLAND, to CHIEF COMMISSIONER OF
CROWN LANDS, NEW SOUTH WALES.

*Crown Lands Office,
Brisbane, 3 August, 1861.*

SIR,

In acknowledging the receipt of your letter of the 26th ultimo, returning me two tenders of Mr. Thos. G. Dangar, as being addressed to the Queensland Government, I have the honor to intimate, that I apprehend a request was made to have these tenders sent to Sydney for disposal, notwithstanding they were addressed to this Government.

I do myself the honor to request that you will be good enough to furnish me with a copy of Mr. Dangar's letter, with any notes or memoranda written thereon.

I have, &c.,

A. C. GREGORY.

No. 6.

CHIEF COMMISSIONER OF CROWN LANDS to COMMISSIONER OF CROWN LANDS, WARREGO.

*Crown Lands Office,
Sydney, 5 August, 1861.*

SIR,

I have to refer to you the accompanying communication, which I have received from Mr. T. G. Dangar, and to request that you will report further with reference to your former report, dated 5th June, 1860, No. 60-54 a, and the statements contained in Mr. Dangar's letter, to the effect that the land which he has applied for is situated in your district.

You will also have the goodness to report with reference to the above report quoted with respect to Mr. Bride's tenders, numbered in the margin, which have been alleged to be for land in your district.

I have, &c.,

A. ORPEN MORIARTY,

Chief Commissioner of Crown Lands.

No. 7.

CHIEF COMMISSIONER OF CROWN LANDS, NEW SOUTH WALES, to CHIEF COMMISSIONER
OF CROWN LANDS, QUEENSLAND.

*Crown Lands Office,
Sydney, 13 September, 1861.*

SIR,

I have the honor to enclose a copy of a letter from Mr. T. G. Dangar, as requested by you in your letter of the 3rd ultimo.

I have also the honor to observe, that as the tenders were addressed to the Queensland Government, I have of course no authority for dealing with them.

I have, &c.,

A. ORPEN MORIARTY,

Chief Commissioner of Crown Lands.

No. 8.

COMMISSIONER OF CROWN LANDS, WARREGO, to CHIEF COMMISSIONER OF CROWN LANDS.

*Crown Lands Office,
Warrego, 28 October, 1861.*

SIR,

With reference to Mr. T. G. Dangar's letter, informing you that four of his tenders, sent by me to Queensland, have been found to be in New South Wales, I do myself the honor to inform you that Bride, who was then Mr. Dangar's stockman, was my informant as to the position of Mr. Dangar's tenders, which he stated were above his, and that I was afterwards shown a tracing by a Mr. Birch, who is a person employed by Mr. Dangar to tender for runs, in which they were laid down above the parallel.

2. Any tenders below the parallel of Mr. Dangar's are useless, the ground being all taken up by the prior tenders of Messrs. Collins and Finch on the east bank, while on the west bank the country was not open to tender until 1st February, 1860.

I have, &c.,

A. G. D. HUTHWAITE,

C. C. Lands.

No. 9.

No. 9.

CHIEF COMMISSIONER OF CROWN LANDS to COMMISSIONER OF CROWN LANDS, WARREGO.

*Crown Lands Office,
Sydney, 28 December, 1861.*

SIR,

I have to acknowledge the receipt of your report, dated 28th October last, on a letter of Mr. T. G. Dangar's, with reference to certain tenders for runs of that gentleman sent to Queensland, and to inform you that I have communicated the substance of it to Mr. Dangar, and intimated to him that his tenders must be rejected.

I have, however, to request that you will have the goodness to inform me whether the Burrawarra Creek mentioned in Mr. Dangar's tenders is identical with the Warrego River, and is the same creek or river as that alluded to in the second paragraph of your report.

I have, &c.,

A. ORPEN MORIARTY,
Chief Commissioner of Crown Lands.

No. 10.

CHIEF COMMISSIONER OF CROWN LANDS to T. G. DANGAR, ESQ.

*Crown Lands Office,
Sydney, 28 December, 1861.*

SIR,

With reference to your letter, dated 12th July last, I have now to inform you that it appears upon investigation, that the position of the land described in your tenders for the runs mentioned in your letter above quoted, as pointed out to the local Commissioner by your agents, was to the north of the Queensland boundary; but as it appears from your statement that your tenders were intended to be for land to the south of the parallel, which on the east side of the river had been previously applied for, and on the west was not open to tender at the date of application, your tenders must now be rejected.

I have, &c.,

A. ORPEN MORIARTY,
Chief Commissioner of Crown Lands.

No. 11.

COMMISSIONER OF CROWN LANDS, WARREGO, to CHIEF COMMISSIONER OF CROWN LANDS.

*Crown Lands Office,
Warrego, 25 January, 1862.*

SIR,

Adverting to the question contained in your letter of the 28th ultimo, I do myself the honor to inform you, that the creek mentioned in Mr. Dangar's tenders is identical with the Warrego River there and downwards to its junction with the Darling—called by the natives "Burrungha."

2. Mr. Dangar having tendered from information derived from his stockman, Bride, was doubtless not aware at the time of the identity; but the name Burrawarra is evidently intended for Burrungha.

I have, &c.,

A. G. D. HUTHWAITE,
C. C. Lands.

No. 12.

T. G. DANGAR, ESQ, to CHIEF COMMISSIONER OF CROWN LANDS.

*Bullewaia, Wee Waa,
Namoi River, 22 April, 1862.*

SIR,

I do myself the honor to acknowledge the receipt of your letter of the 28th December last, informing me that my tender* (DZ) for land on the Warrego must be rejected, for the reasons stated by you, and to inform you in reply, that the local Commissioner was in error, in stating that my agent pointed out the land referred to in my tender as being north of the 29th parallel.

Mr.

* NOTE.—The letter referred to, and Mr. Dangar's previous correspondence, were in relation to his tenders for runs called D 4, Nos. 4 and 5—Nos. 132 and 133, of July 1859. His tender for DZ, herein mentioned, No. 130, of July, 1859, had been forwarded to Queensland with others, and was not among the number of those which he requested should be returned.

Mr. Huthwaite was never on the land tendered for either by myself or C. Bride; had he done so, it would have been impossible for him to have reported upon these lands as being in Queensland, as Bride's improvements are actually thirty miles below the 29th parallel, and I can only consider his reports as doubtful, &c., and drawn up on insufficient data.

I believe Messrs. Collins and Finch's tenders were for both sides of the Warrego, below the 30th parallel, and dated previous to the western side of the Warrego being open to tender. How, under these circumstances, Mr. Collins obtained licenses is open to speculation.

I have, &c.,
THOS. G. DANGAR.

No. 13.

T. G. DANGAR, ESQ., to CHIEF COMMISSIONER OF CROWN LANDS.

Bullerawa, Wee Waa,
24 April, 1862.

SIR,

I do myself the honor to state that I believe there is ten miles of the Warrego or Cudelar, in the District of Warrego, as yet ungazetted, and that I have heard that the said land is about to be reported on in favour of a Mr. Finch; if such be the case, and Mr. Finch's tender is prior to the alterations made in the boundary of the Wellington district, and the formation of the new squatting district of Warrego, I consider he is only entitled to land lying below the 30th parallel to meet his tender, and that the licensing of any land below the 29th parallel will be an injustice to me, as regards my tender of the DZ run, reported by Mr. Huthwaite to be in Queensland, without having visited the locality, and not yet satisfied. I beg further to state, that I believe, on sufficiently strong grounds, that Mr. Finch never contemplated tendering for land above the 30th parallel previous to the reception of my tender for the DZ run, and that Mr. Finch marked his tree when in company with Messrs. Commissioners Sibthorpe and Daniels, on the Warrego, below the 30th parallel, and that if the land marked by Mr. Finch has been licensed to others in error, that is not a sufficient ground for licensing to him other lands that might be made available to satisfy my tender for DZ, and I beg respectfully to enter my protest against the appropriation of this land, to meet any tender except my own for the DZ run.

I have, &c.,
THOS. G. DANGAR.

No. 14.

T. G. DANGAR, ESQ., to MINISTER FOR LANDS.

Bullerawa, Namoi River,
Wee Waa, 24 April, 1862.

SIR,

I do myself the honor to state that I believe that there is ten miles of the Warrego or Cudela, in the District of Warrego, as yet ungazetted, and that I have heard that the said land is about to be reported on in favour of a Mr. Finch; if such be the case, and Mr. Finch's tender is prior to the alterations made in the boundary of the Wellington District and the formation of the new squatting run of Warrego, I consider he is only entitled to land lying below the 30th parallel to meet his tender, and that the licensing of my land below the 29th parallel will be an injustice to me, as regards my tenders of the DZ runs, reported by Mr. Huthwaite to be in Queensland, without having visited the locality, and not yet satisfied. I beg further to state, that I believe, on sufficiently strong grounds, that Mr. Finch never contemplated tendering for land above the 30th parallel previous to the reception of my tenders for the DZ run, and that Mr. Finch marked his tree when in company with Messrs. Sibthorpe and Daniels, on the Warrego, below the 30th parallel, and that if the land marked by Mr. Finch has been licensed to others in error, that that is not a sufficient ground for licensing to him other lands that ought to be made available to satisfy my tender for DZ, and I beg respectfully to enter my protest against the appropriation of this land to meet any tender, except my own, for the DZ run.

I have, &c.,
THOS. G. DANGAR.

Chief Commissioner of Crown Lands, 21 May.—M. F.

This is a duplicate of a letter addressed to me on the same date, and replied to by me on the 10th ultimo. Nothing further required. 6 June.

No. 15.

CHIEF COMMISSIONER OF CROWN LANDS to T. G. DANGAR, ESQ.

*Crown Lands Office,
Sydney, 9 May, 1862.*

SIR,

I have the honor to acknowledge the receipt of your letter of the 22nd ultimo, in reference to the rejection of your tender for land on the Warrego. In reply, I have the honor to inform you that I do not see that any good can result from the matter being made the subject of further correspondence. Leaving out of sight altogether the position of the blocks, whether above or below the parallel forming the boundary of Queensland, it is still apparent that your tenders were inadmissible, because the land on the eastern bank of the Warrego had been previously applied for, and that on the west, between the 29th and 30th parallels, was not open to tender at the date of application. In conclusion, I trust you will excuse me if I think it unnecessary to discuss with you the claims of third parties.

I have, &c.,

A. ORPEN MORIARTY,
Chief Commissioner of Crown Lands.

No. 16.

CHIEF COMMISSIONER OF CROWN LANDS to T. G. DANGAR, ESQ.

*Crown Lands Office,
Sydney, 10 May, 1862.*

SIR,

I have the honor to acknowledge the receipt of your letter of the 24th ultimo, in reference to country in the Warrego District, and, in reply, I have to refer you to my communication of yesterday, the 9th instant.

I have, &c.,

A. ORPEN MORIARTY,
Chief Commissioner of Crown Lands.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

VALUATION OF TOWN ALLOTMENTS AT SOFALA.
(PETITION RELATIVE TO.)

*Received by the Legislative Assembly, 22 August, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

To the Honorable the Legislative Assembly, in Parliament assembled.

The humble Petition of the undersigned Inhabitants of Sofala, Western Gold
Fields,—

SH EWETH :—

That your Petitioners, acting in pursuance of the notice and under the authority of the Land Act, sent in their respective claims to be allowed to purchase the improved allotments in their respective occupations.

That your Petitioners were induced to do so, upon observing that the Land Act had fixed the upset price of Town Allotments at £8 per acre, with a further provision that, in consideration of the improvements thereon, the lots were to be sold without competition.

That your Petitioners, in consenting to the valuation of their lots, did so in full reliance that the Appraisers would take the above directions of the Act as their guide, and that the prices to be fixed upon their lots would be regulated thereby, and in proportion to the advantages in situation, and extent of street frontage, and also, that upon the valuation of the various lots, the owners thereof would be present, and permitted to state and give in evidence any facts which tended to lessen the value of their lots; but greatly to their surprise, they were not allowed to do so, and consequently, not only have the prices fixed upon the lots been most exorbitant, and far above their fair value, and in excess of what they would have sold for, if submitted to public competition; but no deduction whatever has been made for Water-courses, Races, and Drains running directly through nearly one half of the Town Allotments, to the great nuisance and disadvantage of the occupiers.

That there can be no doubt the Valuers have not acted in accordance with either the wording, spirit, or intention of the Act, neither have the valuations been conducted according to the directions, or as the invariable usage and custom is in such cases.

Your Petitioners, therefore, humbly pray that your Honorable House will be graciously pleased to take the above premises into consideration, and direct a reconsideration of the valuation of the allotments, or act therein as to your Honorable House may seem just and expedient.

And your Petitioners will ever pray, &c., &c.

[Here follow 60 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

LAND AT MACDONALD RIVER.

(CORRESPONDENCE WITH MR. J. BUTLER, &c., RESPECTING.)

Ordered by the Legislative Assembly to be Printed, 16 December, 1862.

SCHEDULE.

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LAND AT MACDONALD RIVER.

No. 1.

MR. BUTLER to SURVEYOR GENERAL.

St. Alban's,
15 May, 1861.

SIR,
I wish to purchase fifty acres of land on the left bank of the Macdonald River, convenient to our own previous grant of forty acres, and opposite John Yeomans' grant of eighty acres. Please to forward the measurement of it as soon as possible, as I want to begin to clear it.

JOSEPH BUTLER.

No. 2.

To His Excellency Sir John Young, Knight Commander of the Most Honorable Order of the Bath, Commander-in-Chief of the Colony of New South Wales, and Vice Admiral of the same, &c.

The humble Petition of William Alexander Cross.

May it please your Excellency:—

Being possessed of eighty acres of land on the Macdonald River, formerly granted to George Mollison in 1838, went through the Court of Claims a case 294 in favour of David Cross, since then my property,—in getting it surveyed by a private surveyor, finding six or eight acres Government land,—if His Excellency would be pleased to allow me to purchase it without competition, or to hold possession until the Land Bill passes, and then purchase it as improved land.

And your Petitioner, as in duty bound, shall ever pray.

WILLIAM ALEXANDER CROSS.

Charlotte Vale, Macdonald River,
July 15, 1861.

No. 3.

MINUTE OF SURVEYOR GENERAL.

If the writer means that he occupies, with valuable improvements, some acres beyond the boundaries of his eighty acres, he may probably be able to purchase without competition under a new Land Act.

As no application has been made for the land, there is no present intention of selling it at auction.

A. G. McLEAN.

28 August, 1861.

No. 4.

UNDER SECRETARY FOR LANDS to MR. CROSS.

Department of Lands,
Sydney, 5 September, 1861.

SIR,
Referring to your communication of the 15th July last, addressed to His Excellency the Governor, praying that you may be allowed to purchase, without competition, certain land at present occupied by you on the Macdonald River, I am now instructed to inform you, that if you imply that you occupy, with valuable improvements, some acres beyond the boundaries of your eighty acres, you will probably be allowed to purchase the land in question without competition under a new Land Act; and as no application has been made for this land, the Government have no present intention of selling it at auction.

I have, &c.,
MICHL. FITZPATRICK.

No. 5.

LAND AT MACDONALD RIVER.

3

No. 5.

MINUTE OF UNDER SECRETARY FOR LANDS.

MR. Cross personally states that the eight acres herein alluded to are included in the lot (forty-eight acres) advertised for sale at St. Alban's, on the 31st instant, as lot A.

Surveyor General requested to report. Urgent.

M. F.
9 Sept.

No. 6.

MINUTE OF SURVEYOR GENERAL.

THE portion contains forty-eight acres, and is lot A of sale at St. Alban's on 31st December.

The surveyor's report on 14th October is, that Mr. Cross had applied for eight acres in consideration of improvements, but that the day be measured it there was no appearance whatever of any improvement, but since Mr. Cross commenced clearing and falling the timber. Mr. Cross says he has three and a half acres under maize crop, which has cost him some £20, and this would not warrant the sale in consideration of improvements; and even admitting the accuracy of Mr. Cross' statement, I don't see how the land could be withdrawn, unless with the object of allowing Mr. Cross to select it as a conditional purchase.

A. G. M.
10 Decr.

No. 7.

NOTICE IN "GOVERNMENT GAZETTE."

Department of Lands,
Sydney, 12 December, 1861.

WITHDRAWAL OF LAND FROM SALE.

NOTICE is hereby given, that the undermentioned portion of land, advertised in the Supplement (No. 267) to the *Government Gazette* of the 29th ultimo, for sale at the Police Office, St. Alban's, has been withdrawn, viz. :—

Lot A, portion No. 2, 48 acres, county of Northumberland.

JOHN ROBERTSON.

No. 8.

SURVEYOR GENERAL to CROWN LANDS AGENT, WOLLOMBI.

17 December, 1861.

SIR,

I have to request that you will be good enough to withdraw from the sale of Crown lands to be held at St. Alban's, on the 31st instant, lot A, being portion 2, containing 48 acres, in the county of Northumberland, parish unnamed.

I am, &c.,

(For the Surveyor General.)

HENRY HALLORAN.

No. 9.

REPORT OF LICENSED SURVEYOR PITT.

North Richmond,

14 October, 1861.

MR. Licensed Surveyor Pitt to the Acting Surveyor General, transmitting Plan of two portions of land, situate on the Macdonald River, County of Hunter, applied for to purchase by Mr. Joseph Butler and William Cross.

SIR,

In compliance with your letter of instructions, dated May 25, 1861, I have the honor to state that I have surveyed and marked out forty-eight acres of land, situate on the Macdonald River, county of Hunter, applied for to purchase by Mr. Joseph Butler, and twenty-four acres applied for to purchase by Mr. William Cross. Usual B. C. letter.

Mr. Cross has built a new house on the twenty-four acres, and has also improved a portion of it. In computing the contents I have included the existing track, not knowing which of the two you may adopt. The original road, as shown by the red dotted line in the plan, has been ploughed up by Cross, and a track made, for his own convenience, further up the hill. The dotted line is only sketched for the general map in the office.

I believe Mr. Cross applied for eight acres of land, part of the measured portion of forty-eight acres, on account of certain valuable improvements; the day I measured it there was no appearance of any improvements whatever, but since Mr. Cross has commenced clearing and falling the timber.

I have returned Mr. Butler's application under separate cover.

I have, &c.,

GEORGE M. PITT.

No. 10.

LAND AT MACDONALD RIVER.

No. 10.

MR. CROSS to SECRETARY FOR LANDS.

Macdonald River,
19 November, 1861.

IN reference to the 6th to the 9th clause of the Land Act, to be allowed to purchase, without competition, six acres of Crown land on which I have built a dwelling-house and planted an orchard. This land is on the north side of the Macdonald River, about two miles from the junction, and is adjoining the north-west boundary at George Malerson's eighty acres on the Macdonald River, in the county of Northumberland, parish unnamed. Malerson's grant went through the Court of Claims as case 294, in favour of David Cross, since that my property.

Sir, if this application should not be sufficient, you will be kind enough to let me know by the earliest convenience, and you will much oblige—

Yours truly,
W. A. CROSS.

No. 11.

MR. CROSS to SURVEYOR GENERAL.

Macdonald River,
25 November, 1861.

DEAR SIR,

Having applied to the Honorable the Minister of Lands, on the 15th July last, to be allowed to purchase, without competition, eight acres of land, and received an answer on the 5th of September, and I got it surveyed by Mr. Pitt, the surveyor, and I now beg to know what the amount of the eight acres is, and when I am to pay it in to the Government?

This is the piece of land adjoining David Cross' eighty acres on the Macdonald River, on the east end. The eighty acres was originally granted to George Mollison, and went through the Court of Claims, case 294, in favour of A. D. Cross, and ever since my property. Your early answer will greatly oblige—

Your humble servant,
W. A. CROSS.

No. 12.

MR. CROSS to SURVEYOR GENERAL.

*Application for the Purchase of improved Crown Lands.**M'Donald River,*
6 January, 1862.

SIR,

Having made the improvements detailed below, and which I estimate to be worth £50, I have the honor to apply that I may be permitted to purchase, without competition, under the provisions of the Crown Lands Alienation Act of 1861, the Crown Lands on which they stand, and which are described hereunder.

The improvements referred to are now in my possession.

I have, &c.,
WILLIAM ALEXANDER CROSS.

Nature of Improvements.

[State here whether cottage, huts, yards, garden, or other improvements.]

To clearing and draining, and ploughing and fencing.

Description of Land.

Comprising forty-eight acres on the left bank of the M'Donald River, county of Northumberland, parish unnamed, lying between George Molyson's (now Cross') eighty acres, and C. Devine's forty acres, about five miles north-easterly from St. Alban's.

No. 13.

SURVEYOR GENERAL to SURVEYOR PITT.

*Surveyor General's Office,
Sydney, 20 May, 1862.*

SIR,

In transmitting the annexed Schedule of applications to purchase,* under the sixth and following sections of the Regulations for the Alienation of Crown Lands, lands on which improvements are alleged to exist, I have to request that you will proceed to the measurement of the lands.

*In which is included Mr. Cross' application.

The areas of the lands to be measured will of course never exceed 320 acres, and will be governed rather by the extent of the improvements, and their value, and by the position of neighbouring improvements, if any, than by the area mentioned in the application.

The form of measurement where not within a town or village, or its suburbs, and not within gold fields, must be that prescribed by the printed instructions sent to you relating to the measurement of conditional purchase.

Within a town or village, or its suburbs, the measurement must, of course, be in accordance with the general design, but may not embrace more than half an acre of town land, or two acres of suburban land or land within worked gold fields, for each separate improvement, such as in a town, an inn and stable standing on different allotments; in a gold field, a house and garden; or at a station, a dwelling and woolshed.

Within gold fields, the measurement must, to a certain extent, be arbitrary and irregular, depending for its form mainly upon what the local Gold Commissioner, whom you should consult, may consider it proper that the Government should alienate in the locality in question.

In transmitting your measurements you will make a clear report of the character and value of the improvements on the land, with any particulars as to occupation and ownership which you may be able to obtain.

I have, &c.

No. 14.

SURVEYOR GENERAL to MR. CROSS.

*Surveyor General's Office,
Sydney, 20 May, 1862.*

SIR,

In reference to your application of the 19th November, 1861, to purchase, in virtue of improvements, certain land at Macdonald River, I have to inform you, that Mr. Licensed Surveyor Pitt has been directed to make the necessary survey, should no objection appear to exist.

I am, &c.,

HENRY HALLORAN.
(For Surveyor General)

No. 15.

MR. BUTLER to SECRETARY FOR LANDS.

*Wiseman's Ferry,
4 January, 1862.*

SIR,

I respectfully beg to state that I applied for a piece of land on the left bank of the Macdonald River, near Wiseman's Ferry. My application was accepted, and forty-eight acres surveyed, and proclaimed for sale at St. Alban's, on the 31st December, 1861. It then being withdrawn from sale, I respectfully beg to know the reason for so doing, as it was in no way improved when my application was accepted.

Hoping your Honor will see that there has been no false statements in question,—

I have, &c.,

JOSEPH BUTLER.

No. 16.

UNDER SECRETARY FOR LANDS to MR. BUTLER.

*Department of Lands,
Sydney, 3 April, 1862.*

SIR,

Referring to your letter of the 4th January last, making inquiry respecting the withdrawal from sale of certain land near Wiseman's Ferry, which you had applied to purchase, I am directed to inform you that the land in question was withdrawn in consequence of improvements, represented by Mr. Cross as having been effected by him, being included therein.

I have, &c.,

M. FITZPATRICK.

No. 17.

LAND AT MACDONALD RIVER.

No. 17.

MR. BUTLER to SECRETARY FOR LANDS.

*Wiseman's Ferry, Macdonald River,
11 March, 1862.*

SIR,

May I beg of you to accept a petition from me for three acres of land on the left bank of the Macdonald River, being a portion of forty-eight acres measured by Mr. George Pitt, and advertised for sale, but withdrawn at St. Alban's, in the latter end of December, for what reason I could never make out? The land in question I have had enclosed this fifteen years, and one acre I have been working as a garden, it not being three chains from my house door, and has belonged to the farm these fifty years, as plenty of my neighbours know. I should have petitioned before, but I thought the land was coming to sale. I am quite prepared to pay any price Government may put upon it. The land in question is joining mine and Cross'. All I ask is fair play.

SYLVESTER BUTLER.

No. 18.

MINUTE OF UNDER SECRETARY FOR LANDS.

PERHAPS the Surveyor General may see this; it would seem to be a portion of the land withdrawn from sale on 61-2561.

M. F.
24 April, 1862.

No. 19.

MINUTE OF SURVEYOR GENERAL.

ASK the writer the value of his improvements. If not worth £40 in his own estimation, Cross' improvements not being worth £40, the land may go to auction.

A. G. McLEAN.
2 May, 1862.

No. 20.

SURVEYOR GENERAL to MR. BUTLER.

*Surveyor General's Office,
Sydney, 5 May, 1862.*

SIR,

* See No. 17.

With reference to your letter of the 11th March last,* to purchase three acres of land on the left bank of the Macdonald River, which you state that you have improved, I have to request that you will be so good as to inform me at once of the value of the improvements which you have made on the land in question.

I have, &c.,

HENRY HALLORAN.
(For the Surveyor General.)

No. 21.

MINUTE OF SURVEYOR GENERAL.

THE land was obviously, at the passing of the Act, unimproved Crown land, and I then recommended that it should be sold at auction.

Recent decision as to value of improvements on country lands bear out my views of the case, and the land will now again be advertised.

A. G. M.
18.

No. 22.

LAND AT MACDONALD RIVER.

7

No. 22.

MR. BUTLER to SURVEYOR GENERAL.

Wiseman's Ferry,
19 May, 1862.

SIR,

In answer to your letter of the 5th instant, to what improvements I have made upon the land, I state to you that I have made no more improvements than working the land as a part of the farm for these fifteen years, and having it enclosed in with the farm, and I did not know that it was Government ground till Mr. George Pitt surveyed it.

I remain, &c.,
SYLVESTER BUTLER.

In respect to the fifty acres joining Rose's grant of forty acres, I think it a very hard case that I cannot have a road into it without going to so much trouble. It's not likely that they will give a road, as it was their back land I purchased from Government. I cannot get on to it except from the river right across the forty acres, as there is no Government road up that side of the branch, and all the land about belongs to the same owner.

Wiseman's Ferry.

No. 23.

SURVEYOR GENERAL to MR. CROSS.

25 June, 1862.

SIR,

I have to inform you that the Government has determined, that in the case of country lands improvements of a less value than £40 cannot be recognized under the Act; and as it would appear that the improvements effected by you on part of the forty-eight acres at the Macdonald River, advertised for sale at St. Alban's on the 31st December, are not worth that sum, the land will be brought to auction sale.

I am, &c.,
A. G. M'LEAN.

No. 24.

[Similar letter to the foregoing sent to Mr. Butler.]

No. 25.

MR. BUTLER to SURVEYOR GENERAL.

Wiseman's Ferry,
20 June, 1862.

SIR,

By letter* dated the 15th of May, 1861, I applied to purchase, at auction, * See No. 1. certain land bounded by Mallison's and by Devine's grants on the Macdonald River, and was informed by your reply of the 25th of the same month, that the same would be sold by auction after measurement. It was duly advertised, but some few days before the day of sale it was withdrawn—I believe because a person named Cross had represented (*falsely*) that he had improved it, and applied for it under the 8th clause of the Land Bill.

I beg to represent to you that Cross *had not* improved *before the Land Act came into force*; but he being anxious to buy it as well as myself, but not wishing to risk the competition of the auction system, he fell a few trees upon it (an improvement of not more than £5 value), and then applied under the 8th clause.

As I was the first person who applied in the proper manner for this land to be sold by auction, and as I feel sure you would not have withdrawn it from sale had you been aware of the facts I have stated, I now beg to be allowed an opportunity of proving, in the most undeniable manner, that what I have stated with regard to Cross' representations—or rather misrepresentations—are true.

An answer will much oblige—

Yours respectfully,
JOSEPH BUTLER.

No. 26.

No. 26.

MINUTE OF SURVEYOR GENERAL.

I UNDERSTAND from Mr. Scott Ross that the improvements are not worth £60. A hut (small) under Blue Mountain—a mere closet; the oats, from the season, can only have been recently sown, and, like the former corn crop on which the sale was previously deferred, has no doubt been planted to hold a possession. I cannot help thinking that Cross is profiting by the leniency of the Government, while real purchasers are prevented buying by his claims. We admit no right to purchase in consideration of improvements; besides, he may have been led, by the withdrawing the land from sale (contrary to my recommendation, however), to believe that his claim to purchase it would be allowed, and think it only fair to defer the sale until his crop shall have been removed.

A. G. M.

15 July.

No. 27.

SURVEYOR PITT to SURVEYOR GENERAL.

North Richmond,

8 July, 1862.

SIR,

* No. 13.

With reference to your instruction by circular,* dated 20th May, 1862, requesting me to survey six acres of land, selected by Mr. William Cross,—

† No. 9.

I beg to refer you to my letter, dated 14th October, 1861,† enclosing plan of twenty-four acres of land, applied for by Mr. William Cross, to include certain improvements.

I have the honor to request you will inform me whether the six acres will be portion of the twenty-four acres measured.

I have, &c.,

GEORGE M. PITT, JUN.

No. 28.

SURVEYOR GENERAL to SURVEYOR PITT.

28 July, 1862.

SIR,

I have to request that you will be good enough to return the application from Mr. W. Cross, for six acres of improved land on the Macdonald River, referred to in your letter of the 8th instant.

I am, &c.,

HENRY HALLORAN.

(For Surveyor General.)

No. 29.

MR. CROSS to SURVEYOR GENERAL.

Macdonald River,

11 July, 1862.

SIR,

Having received yours of the 25th, concerning the improvements on forty-eight acres of land on the Macdonald River, on which I have made more improvements than the value of the land,—

I am, &c.,

W. A. CROSS.

No. 30.

SURVEYOR PITT to SURVEYOR GENERAL.

North Richmond,

31 July, 1862.

SIR,

In compliance with your instructions by letter, dated 28th July, 1862, I have the honor to enclose Robert Ridge's application of improved lands on Putty Creek, and William Cross' on the Macdonald River.

I have, &c.,

GEORGE M. PITT, JUN.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ALFRED TOOGOOD.

(WATER FRONTAGE AT WATSON'S BAY.)

Received by the Legislative Assembly, 27 November, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of Alfred Toogood, of Pitt and King streets, in the City of Sydney, General Merchant,—

SHEWETH :—

That your Petitioner has for many years carried on business as a Licensed Victualler and General Merchant.

That your Petitioner having seen in the *Government Gazette*, with alarm, dated the 28th day of October, one thousand eight hundred and sixty-two, a notice to sell the water frontage of Sir Henry Watson Parker's property.

If the same property should be enclosed, and the sale effected, will seriously damage my property, adjoining, to a very great extent; whereas several thousand pounds your Petitioner has expended for the accommodation of the public, it is a free access to the Parade along the Beach to Watson's Bay.

That your Petitioner respectfully requests that the sale may not be effected to Sir Henry Watson Parker (in order) as it is at present, to keep open a free access from the public roads to the Parade of the Beach of Watson's Bay.

If the sale to Sir Henry Watson Parker is carried out, it would be productive of great injustice, not only to your Petitioner, but to a great many landholders residing at Watson's Bay.

Your Petitioner humbly prays that your Honorable House will be pleased to adopt such measures in the premises as to your Honorable House shall seem meet and just.

And your Petitioner will ever pray.

ALFRED TOOGOOD.

Sydney, November 25th, 1862.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MR. THOMAS GORDON DANGAR.
(PETITION OF.)

Ordered by the Legislative Assembly to be Printed, 29 May, 1862.

To the Honorable the Members of the Legislative Assembly, in Parliament assembled.

The Petition of Thomas Gordon Dangar, of Bullerawa, Namoi River, in the Colony of New South Wales, grazier,—

HUMBLY SHEWETH :—

That, on the 11th June, 1859, your Petitioner tendered for certain land on the Warrego, in the Colony of New South Wales, called DZ.

That the Commissioner for the Warrego District reported the same to be in the Colony of Queensland, without ever having visited the locality.

That upon the said Commissioner's report the said tenders were referred to the Chief Commissioner of Crown Lands of that Colony.

That the Commissioner of the Warrego has since reported favourably upon the subsequent tenders of a person named Collins for the said land, as being in New South Wales, and the land gazetted in Collins' favour, although previously reported by him to be in Queensland, whereby my tenders were rejected.

That your Petitioner has sustained grievous injury by the partiality shewn in this matter in favour of Collins, as well as by the dereliction of duty exhibited by the Commissioner of the Warrego, in not visiting the locality previous to making his report.

That your Petitioner prays that the case may be investigated, and redress afforded him, as his remonstrances to the head of the Crown Lands Department have been of no avail.

And your Petitioner, as in duty bound, will ever pray.

THOS. G. DANGAR.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

DIVIDING FENCES BILL.

(DISTRICT OF PATRICK'S PLAINS.)

Received by the Legislative Assembly, 16 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of the undersigned Inhabitants of Singleton, and Freeholders, Leaseholders, and Settlers, within the District of Patrick's Plains,—

HUMBLY SHEWETH:—

That your Petitioners are desirous of expressing to your Honorable House the unfeigned sorrow they feel from observing, through the public prints, that certain meetings, in Sydney, have been held for the purpose of preventing the passing into law of an Act known as the "Dividing Fences Bill."

That your Petitioners are, for the following reasons, anxious that the "Dividing Fences Bill," now before Parliament, should be placed upon the Statute Book of the Colony in its entirety, viz.,—that where an individual right of tenure exists, your Petitioners are quite alive to the advantages derivable from having a sufficient fence to prevent trespassing, being encroached upon, or having their stock interfered with, by any neighbour or other person.

That your Petitioners wish to impress upon your Honorable House, that persons having contiguous holdings are constantly and unavoidably trespassing upon each other, the inevitable result of which is, that endless disputes, impoundings, and even actions at law, with other mutual jealousies and retaliations, become the rule of bush life, being totally subversive of that kindly feeling which should form the beacon of every good society. The foregoing has heretofore been far from unfrequent, and will, under the Acts now in force, show a manifold increase in quarrels, &c., should not an antidote be supplied assimilable to the "Dividing Fences Bill" now before your Honorable House.

And your Petitioners, therefore, humbly pray that your Honorable House will pass the said Bill, with as little delay as possible.

[Here follow 94 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

DIVIDING FENCES BILL.

(ROCKY RIVER.)

Received by the Legislative Assembly, 1 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of the Residents of the Rocky River, and its vicinity, in Public Meeting assembled,—

HUMBLY SHEWETH :—

That your Petitioners having learned with regret, that a "Bill to regulate the Dividing Fences of adjoining Lands" is under the consideration of your Honorable House, and your Petitioners considering that the said Bill would prove injurious to the occupancy of the Lands of the Colony of New South Wales open to free selection under the Crown Lands Alienation Act,—your Petitioners also being of opinion that the existing law relative to Dividing Fences between freeholder and freeholder is sufficient for the requirements of the Colony,—your Petitioners therefore pray that the aforesaid Bill be abandoned by your Honorable House.

And your Petitioners, as in duty bound, will ever pray, &c.

Signed on behalf of the Meeting, June 23rd, 1862,—

JOSHUA VOGAN,
Chairman.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

DIVIDING FENCES BILL.

(PETITION—JABEZ BUNTING.)

Received by the Legislative Assembly, 1 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of the Electors of the Glebe, Sydney, adopted at a Public Meeting held at the University Hotel, Glebe, on Monday Evening, the 30th June, 1862,—

RESPECTFULLY SHEWETH :—

That your Petitioners view with considerable alarm the Bill now before your Honorable House, introduced by Mr. Secretary Robertson, and intituled, "A Bill to regulate the Dividing Fences of adjoining Lands."

That your Petitioners protest against the passing of the said Bill, on the ground that it will injuriously affect the interests of all parties who have taken land under the recently enacted land law of the Colony, and on the faith that the provisions of that law would not be suddenly interfered with, as is proposed by the Bill intituled, "A Bill to regulate the Dividing Fences of adjoining Lands."

Your Petitioners, therefore, respectfully pray that the said "Bill to regulate the Dividing Fences of adjoining Lands" be not passed into law.

JABEZ BUNTING, Chairman,

In the names and on behalf of the Electors of the Glebe,
in Public Meeting assembled.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

DIVIDING FENCES BILL.
(TIMBARRA DISTRICT.)

*Received by the Legislative Assembly, 8 July, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

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

We, the undersigned residents of the Timbarra District, hearing that a Bill is now before the House, for the purpose of compelling all holders of land, either Crown or selection, to fence in such properties, under certain oppressive restrictions, consider such Bill would act most injuriously to our interests, and tend to destroy the beneficial effects that would otherwise result from the working of the Crown Lands Alienation Act.

We would, therefore, pray that the said Bill may be adjourned for such period as will enable the Country to pass their opinion upon the matter.

And your Petitioners will ever pray.

[Here follow 69 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

DIVIDING FENCES BILL.

(TENTERFIELD AND ITS NEIGHBOURHOOD.)

*Received by the Legislative Assembly, 8 July, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

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

The humble Petition of the undersigned Inhabitants of the Town of Tenterfield
and its neighbourhood,—

RESPECTFULLY SHEWETH :—

That your Petitioners have heard, with the greatest regret, that a Bill entitled
“ The Dividing Fences Bill,” has been introduced and read a second time in your Honorable
House.

That your Petitioners would humbly beg to express their disapproval of the proposed
measure, which your Petitioners believe would, if passed into law, inflict great hardship
upon many of your Petitioners and others engaged in agricultural and pastoral pursuits.

Your Petitioners, therefore, humbly beg that your Honorable House will be pleased
to take the premises into consideration, and afford your Petitioners such relief as to your
Honorable House may seem fit.

And your Petitioners will ever pray.

[Here follow 119 Signatures.]

1862.

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LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

PASTORAL INTERESTS CONTRIBUTION BILL.

(MUSWELLBROOK BENEVOLENT SOCIETY.)

*Received by the Legislative Assembly, 2 July, 1862, and Printed under the Sessional Order
of 4 June, 1862.*

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

The humble Petition of the Committee of Management of the Muswellbrook
Benevolent Society,—

RESPECTFULLY SHEWETH:—

That by the eleventh clause of a Bill intituled, "The Pastoral Interests Contribution Act, 1862," proposed by the Honorable the Minister for Lands, so much of section twenty-five of the "Impounding Act, 1855," as authorizes the payment of the proceeds of sales of unclaimed cattle to the Treasurers of certain Institutions will be repealed, and such moneys paid to the "Pastoral Contribution Fund."

That the Muswellbrook Benevolent Society, since the year 1857, has received under the last-named Act, the sum of £915 10s. 3d., or the yearly average of £152 11s. 8d., for the purposes of that charity.

That your Petitioners view with alarm the passing of the proposed Act, which would deprive the Muswellbrook Benevolent Society of a large portion of its income, and seriously injure its usefulness.

That your Petitioners respectfully pray your Honorable House to take the premises under your consideration, and refuse to sanction an Act which would be so hurtful to the interests of this charitable Institution.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 7 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

PASTORAL INTERESTS CONTRIBUTION BILL.
(COMMITTEE OF GOULBURN HOSPITAL.)

Received by the Legislative Assembly, 9 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly of New South Wales.

The Petition of the undersigned Officers and Committee of the Goulburn Hospital,—
RESPECTFULLY SHEWETH :—

That during the past year one hundred and eight patients were admitted into the Goulburn Hospital, and relief was administered to thirty-four out-patients.

That the total cost of the institution during that period was £792 4s. 11d., and the revenue from various sources was £790 18s. 6d.

That of this sum no less than £239 2s. 0d., was derived from unclaimed poundages paid into the funds of the institution under authority of the 25th clause of the present Impounding Act.

That your Petitioners have noticed that, under the provisions of a Bill recently introduced into your Honorable House, entitled "A Bill to provide a Fund for suppressing certain evils affecting the Pastoral Interests", it is proposed that unclaimed poundages shall in future be paid over to a fund to be created under that Bill, thus diverting them from those charitable purposes to which they are now applied.

That in the event of this Bill passing into law, the sphere of usefulness of the Goulburn Hospital and kindred institutions must of necessity be materially abridged, and admission must be denied to many poor but deserving objects.

Your Petitioners, therefore, respectfully pray that your Honorable House will be pleased to take the premises into consideration, and refuse assent to any measure which will have the effect of diverting the funds accruing under the present or any future Impounding Law, from the purposes to which they are at present applied.

[Here follow 13 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

PASTORAL INTERESTS CONTRIBUTION BILL.
(SCONE BENEVOLENT ASSOCIATION.)

*Received by the Legislative Assembly, 16 July, 1862, and Printed under the Sessional Order
of 4 June, 1862.*

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

The Petition of the undersigned, the Chairman and Committee of Management of
the Scone Benevolent Association,—

HUMBLY SHEWETH :—

That your Petitioners have observed with concern, the introduction into your Honorable House of a Bill to be entitled the "Pastoral Interests Contribution Act of 1862," the provisions of which will materially impede the operation of this Society, and act injuriously upon public interests.

The eleventh section of this Bill repeals so much of section twenty-five of the "Impounding Act of 1855," as authorizes the Governor to direct the payment of the unclaimed proceeds arising from the sale of impounded cattle to the Treasurers of certain Charitable Institutions, and further directs these moneys to be carried in future to the credit of a fund to be entitled the "Pastoral Interests Contribution Fund," for the purpose of being generally applicable to the payments provided by this Act.

Your Petitioners earnestly deprecate the alienation of these sums from the charitable uses to which they have been applied for so many years, being convinced that the appropriation of unclaimed moneys to the relief of the sick and destitute of their respective districts, is more praiseworthy and conducive to public benefit than devoting them to reimburse the losses of stockholders, from whatever cause arising.

Your Petitioners would desire to impress upon your Honorable House the fact that many of these Charitable Institutions are established in the various country districts, originating in the private contributions of their members, on the faith of their means of affording relief being supplemented by these payments from public moneys, which form a very material portion of their incomes; and the effect of this Bill (containing such an injurious provision) becoming law, will be to cause the dissolution of Societies which are now in a position to mitigate considerable distress.

The prayer of your Petitioners is, therefore, that your Honorable House will so modify the provisions of this Bill as to prevent the alienation of unclaimed proceeds of impounded cattle from the charitable uses to which they have been hitherto applied. And, as in duty bound, your Petitioners will ever pray.

[Here follow 12 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

PASTORAL INTERESTS CONTRIBUTION BILL.
(SINGLETON BENEVOLENT SOCIETY.)

*Received by the Legislative Assembly, 25 July, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

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

The Petition of the undersigned Officers and Committee of Management of the
Singleton and Patrick's Plains Benevolent Society,—

HUMBLY SHEWETH:—

That your Petitioners have viewed with considerable alarm certain provisions in an Act now before your Honorable House, intituled "*An Act to suppress certain evils affecting the Pastoral Interests,*" by which it is, amongst other things, proposed to be enacted, that all funds payable under the 25th clause of the present Impounding Act to Benevolent Societies and Hospitals shall, in future, go towards a fund to be raised for suppressing certain evils affecting the Pastoral Interests.

2. Your Petitioners beg most respectfully to urge upon your Honorable House, that if this provision should become Law, it would most materially affect the prosperity and usefulness of this Charitable Institution, and that it would probably be the means of jeopardizing the further existence of this useful Society, which has now been established for more than twenty years, during which period it has effected an immense deal of good, by relieving numbers of the indigent, sick, and destitute, in this District.

3. Your Petitioners further pray, that the present system of paying over to Charitable Institutions the unclaimed pound moneys may be preserved intact, in any future Impounding Act that may be passed by your Honorable House.

4. Your Petitioners, in conclusion, humbly pray that your Honorable House will adopt such measures, in view of these premises, as your Honorable House in its wisdom may deem meet.

And your Petitioners, as in duty bound, will every pray.

[Here follow 12 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

PASTORAL INTERESTS CONTRIBUTION BILL.
(ALBURY HOSPITAL AND BENEVOLENT ASYLUM.)

*Received by the Legislative Assembly, 5 August, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

To the Honorable the Legislative Assembly of New South Wales.

The Petition of the Committee of the Albury Hospital and Benevolent Asylum,—

HUMBLY SHEWETH :—

That in October, one thousand eight hundred and sixty-one, the Albury Hospital and Benevolent Asylum was opened for the reception of patients; and from that date to the present, seventy-nine patients have been admitted, and relief has also been afforded to a large number of out patients.

That a considerable portion of the fund in support of the Institution has been derived from unclaimed poundages obtained under the authority of the Impounding Laws now in force.

That your Petitioners have noticed with regret, that, by a Bill recently introduced into your Honorable House, intituled "A Bill to provide a Fund for suppressing certain evils affecting the Pastoral Interests," it is proposed that unclaimed poundages shall be paid over to a fund to be created under that Bill.

That the proposed measure will, by thus diverting the unclaimed poundages from the Benevolent Institution to which they are now paid, materially lessen the usefulness, and prevent the full operation of the Albury Hospital and Benevolent Asylum, and kindred Benevolent Societies.

Your Petitioners pray that your Honorable House will refuse assent to any measure which will have the effect of diverting the unclaimed poundage fees from the benevolent purposes to which they are now appropriated.

And your Petitioners will every pray, &c.

[Here follow 10 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

PASTORAL INTERESTS CONTRIBUTION BILL.

(TAMWORTH BENEVOLENT SOCIETY.)

Received by the Legislative Assembly, 14 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of the undersigned Officers and Committee of Management of the
Tamworth Benevolent Society,—

HUMBLY SHEWETH :—

That your Petitioners view with much anxiety certain provisions contained in a Bill now before your Honorable House, intituled "A Bill to provide a fund for suppressing certain evils affecting the Pastoral Interests," by which it is amongst other things proposed to be enacted, that so much of section 25 of the Impounding Act of 1855 as authorizes the Governor to direct certain moneys received from sales under such Act to be paid to the Treasurers of certain Benevolent Societies or Hospitals shall be repealed, and that such moneys shall in future go towards the Fund proposed to be originated by the said Bill, and to no other purpose whatsoever.

Your Petitioners beg most respectfully to represent to your Honorable House, that should this provision become law, it would most seriously affect the prosperity, and limit the usefulness of this Society, which would be thereby deprived of the principal source of its income; and it is hardly probable that the Society would be able longer to exist, dependent solely on private contributions and the additional Government aid.

This useful Society has now been established for more than ten years, and during that period has effected an immense amount of good, by relieving and assisting the sick, disabled, and destitute, throughout this District.

Your Petitioners humbly pray that the before-mentioned clause of the "Impounding Act of 1855" may remain intact, or if repealed, that the present system of paying over all unclaimed pound moneys to the Benevolent Society of the District in which such sums are levied may be perpetuated, in any future Impounding Act which may receive the sanction of your Honorable House.

In conclusion, your Petitioners humbly pray that your Honorable House will adopt such measures, in accordance with the premises, as to your Honorable House may seem fitting.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 16 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

PASTORAL INTERESTS CONTRIBUTION BILL.
(MURRURUNDI BENEVOLENT SOCIETY.)

Received by the Legislative Assembly, 14 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of the Committee of the Murrurundi Benevolent Society,—

HUMBLY SHEWETH :—

That your Petitioners have observed the introduction into your Honorable House, of a Bill intituled “The Pastoral Interests Contribution Act of 1862.”

That your Petitioners view with considerable anxiety the provisions of the eleventh clause of the said Bill, wherein it is set forth that “so much of section twenty-five of the ‘Impounding Act of 1855’ as authorizes the Governor to direct certain money therein mentioned as part of moneys received from sales under the said Act to be paid to the Treasurers of certain Institutions therein mentioned shall at the passing of this Act be repealed as to all such money thereafter coming to the hands of the Colonial Treasurer and such money as and when it would become subject to such authorization if this Act were not passed shall be by such Treasurer carried to the credit of the ‘Pastoral Interests Contribution Fund.’ ”

That your Petitioners desire respectfully to submit to your Honorable House, that seeing all Charitable Institutions in Country Districts are mainly supported by moneys received from sales under the present Impounding Act, they are strongly of opinion, that the withdrawal of such moneys from the charitable uses to which they have been hitherto applied would, in many instances, abolish Societies at present affording relief to indigent and helpless persons, and be highly detrimental to all Charitable Institutions in Country Districts.

Your Petitioners, therefore, pray that your Honorable House will be pleased to modify so much of the eleventh clause of the Bill above cited, as to prevent any alteration in the appropriation of unclaimed proceeds of impounded cattle, as prescribed by the “Impounding Act of 1855.”

And your Petitioners, as in duty bound, will ever pray.

[Here follow 18 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

PASTORAL INTERESTS CONTRIBUTION BILL.
(MAITLAND HOSPITAL.)

Received by the Legislative Assembly, 9 September, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of the undersigned Officers and Committee of the Maitland Hospital,—

RESPECTFULLY SHEWETH:—

That the Maitland Hospital has for many years and still is universally acknowledged to be an institution economically but efficiently managed in every department, and has already done, and is calculated to do, a great amount of benefit to those suffering from disease and accidents, who could not receive proper medical and surgical treatment at their own houses.

That during the past year, 597 patients were admitted into the Hospital, and relief was administered to a considerable number of out patients.

That the total cost of the institution during that period was £1,150, and the revenue from various sources amounted to £1,458 4s. 6d.

That of this sum, no less than £133 17s. 10d. was derived from unclaimed poundages, paid into the funds of the Institution under authority of the 25th clause of the present Impounding Act.

That your Petitioners have noticed with regret, that under the provision of a Bill recently introduced into your Honorable House, intituled "A Bill to provide a fund for suppressing certain evils affecting the Pastoral Interests," it is proposed that unclaimed poundages shall in future be paid over to a fund to be created under that Bill, thus diverting them from those charitable and benevolent purposes to which they are now applied.

That it will materially affect the usefulness of the Maitland Hospital, and other kindred institutions, if the poundages shall be applied as proposed under the Bill now before your Honorable House, and admission to these institutions must be denied to many poor but suffering and deserving objects.

May it therefore please your Honorable House to take the premises into your favourable consideration, and so frame the Bill, above mentioned, in such way as that the Impounding fees will hereafter be applied as at present provided.

And your Petitioners, as in duty bound, will ever pray, &c.

[Here follow 12 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

LAND TITLES BILL, AND LAND TRANSFER BILL.

PROGRESS REPORT FROM THE SELECT COMMITTEE

ON THE

LAND TITLES BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDIX.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
30 *July*, 1862.

SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER, PHILLIP-STREET.

1862.

[*Price*, 3s. 1d.]

187—A

1862.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF
THE LEGISLATIVE ASSEMBLY.

VOTES, No. 10. WEDNESDAY, 11 JUNE, 1862.

10. Land Titles Declaration Bill:—Mr. Cowper moved, that this Bill be now read a second time.
Mr. Robertson moved,—
(1.) That the Order of the Day for the second reading of this Bill be discharged, and the Bill be referred to a Select Committee for its consideration and report.
(2.) That such Committee consist of the following Members:—Mr. Cowper, Mr. Dick, Mr. Faucett, Mr. R. Forster, Mr. Hay, Mr. Hart, Mr. Holt, Mr. Holroyd, Mr. Smart, and Mr. Robertson.
And Mr. Dalgleish requiring that the said Committee be appointed by Ballot,—
Question,—
That the Order of the Day for the second reading of this Bill be discharged, and the Bill be referred to a Select Committee for its consideration and report,—
Put and passed.
Whereupon the House proceeded to the Ballot, and the Speaker declared the following Members to be the Committee duly appointed:—Mr. Robertson, Mr. Hay, Mr. Dick, Mr. Cowper, Mr. Holt, Mr. Smart, Mr. W. Forster, Mr. Windeyer, Mr. Hart, and Mr. Faucett.
11. Land Transfer and Registry Bill:—Mr. Cowper moved, That this Bill be now read a second time.
Motion made by Mr. Robertson and Question,—
That the Order of the Day for the second reading of this Bill be discharged, and the Bill be referred to the Select Committee appointed by Ballot this day to consider and report upon the "Land Titles Declaration Bill,"—
Put and passed.
12. Property Law Trustees and Mortgagees Bill;—Mr. Cowper moved that this Bill be now read a second time.
Motion made by Mr. Robertson and Question,—
That the Order of the Day for the second reading of this Bill be discharged, and the Bill be referred to the Select Committee appointed by Ballot this day to consider and report upon the "Land Titles Declaration Bill,"—
Put and passed.

VOTES, No. 38. WEDNESDAY, 30 JULY, 1862.

2. Land Titles Declaration Bill:—Mr. Cowper, as Chairman, brought up a Progress Report from the Select Committee on the Land Titles Declaration Bill, together with the Proceedings of the Committee, Minutes of Evidence, and Appendix.
Ordered to be printed.

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1862.

LAND TITLES DECLARATION BILL.

PROGRESS REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and Report were referred, on the 11th June last, the "*Land Titles Declaration Bill*, the *Land Transfer and Registry Bill*, and the *Property Law Trustees and Mortgagees Bill*" have agreed to the following Progress Report:—

Your Committee have carefully considered the Bills submitted to them, and have compared them with the Bills introduced into the Imperial Parliament to simplify the Transfer of Real Property. They have also examined R. R. Torrens, Esquire, the Registrar General of South Australia. This gentleman having kindly complied with the request of the Committee that he would come to New South Wales for the purpose of giving his Evidence upon the subject of the Registration of Titles and the Transfer of Landed Property, was examined at great length, and his Evidence is appended to this Report. His examination extended into the general question as affecting the several Australian Colonies, and the working of the Act in South Australia, known as the Real Property Act. It appears that a similar Act is now in operation in Victoria, Queensland, and Tasmania; and after duly weighing the Evidence of Mr. Torrens, and considering the reasons given by that gentleman for preferring the South Australian Legislation to the Bills submitted to the Committee, they are of opinion that Mr. Torrens' Act, as annexed to his Evidence, with the amendments suggested by that gentleman, should be adopted by the Legislature of this Colony.

Independently of other considerations, it appears to your Committee that the advantages of having a uniform system throughout this and the neighbouring Colonies would be very great indeed. The experience of the working of Mr. Torrens' Act in South Australia, and its recent adoption by Victoria and Queensland, afford strong grounds for believing that great benefits will accrue from its being introduced into New South Wales.

Your Committee therefore recommend that Mr. Torrens' Act should be adopted in preference to those Bills which have been before the Imperial Parliament, and that the system be brought into operation as early as possible.

CHARLES COWPER,

Chairman.

*Legislative Assembly Chamber,
Sydney, 30 July, 1862.*

PROCEEDINGS OF THE COMMITTEE.

FRIDAY, 13 JUNE, 1862.

MEMBERS PRESENT:—

Mr. Cowper,	|	Mr. W. Forster,
Mr. Dick,	|	Mr. Hart.

Mr. Cowper called to the Chair.

The Chairman produced, for the temporary service of the Committee, the following Papers, viz. :—

The South Australian Real Property Act, together with a complete Index.
 Real Property Act Returns (South Australia) and Memoranda by Real Property Law Commission.
 Report of the Real Property Law Commission, with Minutes of Evidence and Appendix (South Australia.)
 South Australia Real Property Act Amendment Act, 1861, No. 22.
 South Australian System of Conveyancing by Registration of Title. By Robert R. Torrens: 1859.
 New Zealand Land Registry Act, 1860, No. 27.
 Proposed Regulations under the Land Registry Act, 1860 (New Zealand.)
 New Zealand Land Registry Amendment Act, 1861, No. 34.
 New Zealand Survey Correction Act, 1861.
 Queensland Real Property Act of 1861.
 Committee deliberated.

[Adjourned to Friday next, at *Twelve* o'clock.]

FRIDAY, 20 JUNE, 1862.

MEMBERS PRESENT:—

Mr. Cowper in the Chair.

Mr. Holt,	|	Mr. Hart,
	|	Mr. Dick.

The following Papers produced by Mr. Dick for the temporary service of the Committee:—

Title by Registration in the Hanse Towns. (Abridged Translations, by Dr. Hübbe, of Documents relative to).—South Australia.

Handy Book on the Real Property Act of South Australia.

Copies of several other Documents already before the Committee.

Committee deliberated.

Resolved,—That the Chairman communicate with Mr. R. R. Torrens, Registrar General, South Australia, inviting him to attend before the Committee and give any information he may think fit, respecting the subject under inquiry.

Committee further deliberated.

[Adjourned to Friday next, at *Twelve* o'clock.]

FRIDAY, 27 JUNE, 1862.

MEMBERS PRESENT:—

Mr. Hart,	|	Mr. Dick,
Mr. W. Forster,	|	Mr. Faucett,
Mr. Holt,	|	Mr. Cowper.

In the absence of the Chairman, Mr. Hart took the Chair.

Committee deliberated.

Chair vacated by Mr. Hart and taken by Mr. Cowper.

Chairman handed in the following Bills, *presented* in the Imperial Parliament:—Transfer of Land Bill. (*Presented by the Lord Chancellor, 1862.*)Declaration of Title Bill and Security of Purchasers Bill. (*Presented by the Lord Cranworth, 1862.*)Title to Landed Estates Bill and Registry of Landed Estates Bill. (*Presented by the Lord Chelmsford, 1862.*)Real Property Bill (Title of Purchasers) and Law of Property Amendment Bill. (*Presented by the Lord St. Leonards, 1862.*)*Ordered*,—That the Bills above-mentioned, presented by the Lord Chancellor and the Lord St. Leonards, be appended to the Report, and distributed, as soon as printed, to the Members of the Committee. (*Vide List of Separate Appendix.*)[Adjourned to Friday, 11 July, at *Twelve* o'clock.]

FRIDAY,

FRIDAY, 11 JULY, 1862.

MEMBERS PRESENT:—

Mr. Cowper in the Chair.

Mr. W. Forster,	|	Mr. Hart,
Mr. Dick,	|	Mr. Holt.

Bills ordered at the last meeting to be printed as a Separate Appendix to the Report, together with copies of the Victoria "Real Property Act," 1862, circulated amongst the Members of the Committee during the interval of adjournment.

The Chairman informed the Committee that, in accordance with the wishes of some of the Members, he had instructed the Parliamentary Draftsman to prepare Drafts, shewing the difference between Sir H. Cairns' Bills and the corresponding Bills as altered by the Legislative Council of New South Wales.

Whereupon, *It was Ordered*,—That the Bills, as so drafted, be printed and circulated amongst the Members of the Committee.

Chairman requested to communicate personally with Mr. Torrens, upon his arrival in Sydney, with reference to his examination before the Committee.

[Adjourned to Wednesday next, at *Eleven* o'clock.]

WEDNESDAY, 16 JULY, 1862.

MEMBERS PRESENT:—

Mr. Cowper in the Chair.

Mr. Dick,	|	Mr. Smart,
Mr. Holt,	|	Mr. Windeyer,
Mr. Hart,	|	Mr. W. Forster,
Mr. Faucett.		

Printed copies of the following Bills, as prepared by the Parliamentary Draftsman, laid upon the Table by the Chairman, for the use of the Committee.

DECLARATION OF TITLE. (Nos. 1 and 2.) *Copy of Sir Hugh Cairns' Bill of 1859, as amended in Committee of the House of Commons:—Shewing the alterations made in the corresponding Bill, as passed by the Legislative Council of New South Wales in 1861.*

DECLARATION OF TITLE. (Nos. 2 and 3.) *Copy Bill of 1861, as passed the Legislative Council:—Shewing the alterations made in the corresponding Bill introduced in the Legislative Assembly, 1862.*

REGISTRATION OF TITLE. (Nos. 1, 2, & 3.) *Copy of Sir Hugh Cairns' Bill of 1859, as amended in Committee of the House of Commons:—Shewing the alterations made in the corresponding Bill as passed by the Legislative Council of New South Wales, 1861, and as again introduced (with slight amendments) in the Legislative Assembly, 1862.*

Mr. R. R. Torrens, *Registrar General, South Australia*, examined.

Witness handed in a number of Forms and Notices. (*Vide List of Appendix.*)

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

THURSDAY, 17 JULY, 1862.

MEMBERS PRESENT:—

Mr. Cowper in the Chair.

Mr. Holt,	|	Mr. W. Forster,
Mr. Dick,	|	Mr. Smart,
Mr. Faucett,	|	Mr. Hay.

Mr. R. R. Torrens further examined.

Witness handed in a copy of the Victoria "Real Property Act" 1862, No. 140. (*Vide List of Separate Appendix.*)

[Adjourned to Wednesday next, at *Eleven* o'clock.]

WEDNESDAY, 23 JULY, 1862.

MEMBERS PRESENT:—

Mr. Cowper in the Chair.

Mr. W. Forster,	|	Mr. Hart,
Mr. Smart,	|	Mr. Holt,
Mr. Dick.		

Mr. R. R. Torrens further examined.

Witness handed in a summary of his objections to the Land Titles Declaration and Land Transfer and Registry Bills. (*Vide List of Appendix.*)

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

THURSDAY,

THURSDAY, 24 JULY, 1862.

MEMBERS PRESENT:—

Mr. Cowper in the Chair.

Mr. Holt,		Mr. W. Forster,
Mr. Hart,		Mr. Dick,
	Mr. Smart.	

Mr. R. R. Torrens further examined.

Witness handed in several Forms and Papers. (*Vide List of Appendix.*)

And in the course of examination, Mr. Cowper having temporarily vacated the Chair, Mr. Holt acted as Chairman.

Examination continued.

Chair resumed by Mr. Cowper, and examination concluded.

Witness withdrew.

Committee deliberated upon their future course of proceedings, and

[Adjourned to Wednesday next, at *Eleven o'clock.*]

WEDNESDAY, 30 JULY, 1862.

MEMBERS PRESENT:—

Mr. Cowper in the Chair.

Mr. W. Forster,		Mr. Hart,
Mr. Smart,		Mr. Dick,
	Mr. Holt.	

The Chairman laid before the Committee a letter from Mr. Torrens, dated Sydney, July 23, 1862, suggesting certain amendments in the Real Property Act as handed in by him, for the consideration of the Committee.

Committee deliberated, and, on motion of Mr. Forster, amendments adopted.

Ordered: That the letter, together with the amendments, be appended to Mr. Torrens' evidence. (*Vide List of Appendix.*)

Committee then deliberated as to the expediency of recommending the adoption of Mr. Torrens' Act in lieu of the Land Titles Declaration and Land Transfer and Registry Bills referred to them for consideration and report.

And the Chairman having submitted a Draft Progress Report,—

The same read 1^o.

Draft Progress Report read 2^o, and amended.

Motion made, and Question,—That the Progress Report, as amended, be the Progress Report of this Committee,—

Amendment proposed (*Mr. Hart*),—

That all the words from "It appears," in the first paragraph, to the end of the Report, viz.—"It appears that a similar Act is now in operation in Victoria, Queensland, and Tasmania; and after duly weighing the evidence of Mr. Torrens, and considering the reasons given by that gentleman for preferring the South Australian Legislation to the Bills submitted to the Committee, they are of opinion that Mr. Torrens' Act, as annexed to his evidence, with the amendments suggested by that gentleman, should be adopted by the Legislature of this Colony. Independently of other considerations, it appears to your Committee that the advantages of having a uniform system throughout this and the neighbouring Colonies would be very great indeed. The experience of the working of Mr. Torrens' Act in South Australia, and its recent adoption by Victoria and Queensland, afford strong grounds for believing that great benefits will accrue from its being introduced into New South Wales. Your Committee therefore recommend that Mr. Torrens' Act should be adopted in preference to those Bills which have been before the Imperial Parliament, and that the system be brought into operation as early as possible"—be omitted, with the view of inserting in their place the following words:—"Your Committee are of opinion that the Bill introduced by the Lord Chancellor, which is founded upon the same principles as the Act of Mr. Torrens, with other amendments, should be adopted; and they recommend the adoption of that system accordingly."

Committee deliberated.

Question put,—

That the words proposed to be omitted stand part of the proposed Progress Report.

Committee divided.

Ayes, 3.

Mr. W. Forster,

Mr. Smart,

Mr. Holt.

Original Question then put.

Committee divided.

Ayes, 3.

Mr. W. Forster,

Mr. Smart,

Mr. Holt.

No, 1.

Mr. Hart.

No, 1.

Mr. Hart.

Chairman requested to report to the House.

WITNESS.

WITNESS.

Torrens, Robert R., Registrar General, South Australia	1
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1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

LAND TITLES DECLARATION BILL.

WEDNESDAY, 16 JULY, 1862.

Present:—

MR. COWPER,	MR. FAUCETT,
MR. DICK,	MR. W. FORSTER,
MR. HART,	MR. SMART,
MR. HOLT,	MR. WINDEYER.

THE HON. CHARLES COWPER, ESQ., IN THE CHAIR.

R. R. Torrens, Esq., called in and examined:—

1. *By the Chairman*: You are Registrar General of South Australia? I am.
2. As you have introduced into that Colony an important Act connected with the Registration and Transfer of Titles to Land, the Committee will be glad if you will favour them with your opinion generally as to the operation of the law in South Australia, with a view of enabling them to arrive at some satisfactory conclusion with reference to certain Bills referred to them, and now under the consideration of the Assembly of New South Wales? Shall I briefly detail the procedure, which will perhaps be the best way of explaining?
3. We shall be very glad to take your evidence in any shape that you find it most convenient to give it? The procedure in bringing land under the Real Property Act of South Australia is as follows:—Applications are received from owners in fee simple, owners of life estates, and from trustees who have power of absolute disposition and sale over landed estates. These applications, together with the deeds and other evidences of title, are submitted for consideration to each of two solicitors, who are especially retained by Government for that purpose; each of these solicitors examines the title independently, and they then compare their notes, and report to the Registrar General and Commissioners. The points which the solicitors have to consider are as follows:—The first is, Is the description of the parcels of land definite and clear and precise? In that matter they are assisted by a land surveyor and draughtsman. The next point they have to consider is, Is the applicant in possession of the property so described? The third point is, Does he appear in equity and justice rightfully entitled thereto? The fourth point is, Does he produce such evidence of title as to lead to the conclusion that no other person is in a position to succeed against him in an action of ejectment? If then the person so in possession can show such title, although the evidence he adduces may not be sufficient to enable him to oust another from the property if he were not in possession, he would receive an indefeasible title. All mere technical objections, even such as would arise from the loss of documents, the loss of land grants, deeds, or the existence of dry legal estates outstanding in other persons, would be entirely waived. Upon the solicitors finding such to be the state of the applicant's title they would refer it to the Board, having previously made all inquiries into any matters of which they were in doubt.
4. Of whom is the Board composed? The Board is composed of two persons, who may be either retired lawyers or laymen; hitherto they have been persons who have been bank directors. Their function is in no respect judicial—it is simply a matter

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matter of common sense inquiry; they are merely a check upon the Registrar General, to afford a guarantee to the public that he will not act fraudulently, or be influenced by prejudice or favour. They stand in relation to the Registrar General exactly as a Comptroller of Customs stands in connection with the Collector—simply as a check against fraud and favouritism. The matter the Board have to consider upon the report of the solicitors is simply to what extent should the claim of the applicant be advertised, and during what time should the advertisement stand calling upon all parties interested to caveat against the applicant's claim being recognized. Then, if any claim is put in in the form of a caveat, the functions of the Registrar General are suspended—the case must go to the Supreme Court for adjudication. Our experience has been to this effect hitherto, that publicity given to the claim deters all persons who are not honestly and justly entitled to land from making application at all. The caveats put in have been few, and as regards those few they are for the most part settled between the parties, and withdrawn by mutual consent. In some cases parties withdraw the application, and in other cases the caveator withdraws the caveat. I can call to mind only three instances, out of over three thousand, in which resort was had to the Court at all. Therefore there seems to be no opening for the functions of a special Court for that purpose. A Judge sitting on the Bench is hardly in a position to plod through a title, to investigate a lot of deeds, call for evidence of birth and marriage, and those matters; that is work for conveyancing solicitors in their private chambers. Our solicitors act precisely as the solicitors of an intending purchaser would act in the case of a contemplated dealing under the old law. Our solicitors have passed over three thousand separate titles, and there has been only one out of the three thousand set aside, and that one was not owing to the fault of the solicitor, but of the Government. The Government had made land grants to two individuals of the same piece of land, and our solicitors had no means of discovering that, and we gave a certificate of title to Leworthy, the second grantee from the Crown. Hutchinson, the first grantee from the Crown, brought an action of ejectment in the Supreme Court and recovered. The Act has since been amended in consequence of that case, in order to maintain—as has been done with regard to the Encumbered Estates Act in Ireland—the indefeasibility of the certificate of title, if it be not fraudulent, against all comers whatsoever, and now the grant or certificate of title registered under the Act will take precedence over a prior grant of the Crown of the same land; always, however, assuming possession in the party to whom the certificate is given. That is the first basis, for it is held, if there be any possession of the land that money will compensate the party deprived, and that is provided in the Act, in the first place, by an assurance fund, raised by a small per centage of a halfpenny in the pound upon lands brought under the Act; upon lands transmitted by will, or by inheritance, and guaranteed by the general revenue; that is, that in case of the assurance fund not being sufficient, the sum would be advanced out of the general revenue to pay the claim, and subsequently, as the assurance fund accumulates, it would be replaced in the general revenue. No claim, however, has ever yet been made against our assurance fund, although, as I have said before, we have passed over three thousand titles. We find no occasion therefore whatever, for the interference of the Court; and that point is very ably, I think, stated by the Law Amendment Society, at the head of which is Lord Brougham. They deprecate, in unmeasured terms, the setting up of a Special Court for any such purpose, when the ordinary Court of the country, the Court of Chancery, is sufficient, and it is the especial business of that Court. It might further be remarked, that the effect of this Act is shown by the experience of six hundred years in the Hanse Towns, and for a very considerable period in Prussia, in Bavaria, and other countries in Europe. I say the effect, as proved by this experience, is that litigation is immensely diminished. The work of the Judges will be greatly diminished, and therefore such cases as may arise cannot press heavily upon them; the probability being that these cases would sooner or later be brought before them, in any event, under the old law. The effect, in short, of this investigation and publicity in bringing land under the Act, is to raise at once the latent claims and settle them at once, so that it does not increase the amount of work the existing Courts would have, but really diminishes it. I would state, that the Waste Lands of the Crown are brought under the Act upon the granting of them. I will now detail the mode in which land is dealt with after it is brought under the Act. I would first explain, that all land grants are in duplicate, and all certificates of title which are given by the Registrar, when the land is brought under the Act, are also in duplicate. One part of each of these is bound up in the register book, and forms what we call a folium of the register book, which may contain several pages; the other part is given to the owner of the land, to be held by him. Whenever any dealing is to be gone through, the registered owner of the land fills up a printed form appropriate for that particular dealing, be it mortgage, lease, incumbrance, or settlement. I beg to hand in copies of those several forms. (*The witness handed in the same. Vide Appendices A, B, and C.*) These are filled in and executed in duplicate. If the parties are resident in the town where the Registrar's office is, they appear in person usually at the office, and there sign in the presence of the Registrar or his deputy. If they be not personally known to him, however, they have to be introduced by a respectable householder who is known to him, and who certifies that he knows these parties. If they be not resident in the neighbourhood, they go before a Justice of the Peace or a Notary Public, and if they be known to him, he certifies to the effect that A. B. and C. D., being personally known to him, appeared before him and acknowledged their signature to the instrument; or the attesting witness might go before a Justice of the Peace, and that Justice would then certify,—“Appeared before me, C. D., the attesting witness to “this instrument, a person well known to me and of good repute, and declared that he was “present when A. B.,” the transferrer, or lessor, or mortgagor, as the case may be, “signed “this

"this paper in his presence." The object of this precaution is to prevent forgery and personation. A farther guarantee against forgery and personation is afforded by a provision which requires that the land grant or certificate of title should be presented at the Registry Office, together with the instrument purporting to deal. It is to this extent a guarantee against forgery and personation, that the fraudulent party would be obliged to steal the grant or certificate, or to obtain it by a fraudulent pretence in addition to his forgery; and although perhaps it is not impossible even under these precautions, still the opinion of those who are competent to judge of the matter is, that it is as nearly impossible as we can make it. The greatest facility is afforded by this means for dealing, whether at a distance or in a town where the registry office is, because when any instrument is brought in to be registered, the memorial of it is entered upon the folium of the register book that I before described as constituted by the land grant or certificate of title of that particular property, and a like memorial is entered upon the duplicate of that grant or certificate in the hands of the registered proprietor. Thus every estate is manifested by one instrument—one instrument only, and that instrument bears upon it the memorial of every dealing that has ever taken place with that land, and every circumstance that it can concern the purchaser or mortgagee or lessee to know. Search is thus altogether avoided. Parties desiring to search can do so either by a letter addressed to the Registrar or through the electric telegraph, as is constantly done. Our fee for search is two shillings. The object of the search is simply lest a caveat should be lodged barring dealings with the land, which sometimes is the case, as I will shortly explain. When the fee simple is transferred, or the freehold estate, the certificate of title is cancelled, and a fresh one is issued to the purchaser, and a fresh folium is opened, constituted by duplicate of that new certificate. Upon that are carried forward memorials of any existing charges, or encumbrances, or leases that affect the property. Those that have lapsed, or been discharged, or surrendered, are not brought forward from the previous certificate, but each bears a reference to the others, by means of the volume and folium put upon the certificate of title. Further, every instrument, as a lease, mortgage, or encumbrance, bears upon it the volume and folium of the register book where the entire history of that particular property, since it came into the hands of the present owner of the freehold, is recorded. Thus, when search is needed, the party simply notifies the volume and folium of the register; the book is opened, and the search seldom occupies five minutes.

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5. *By Mr. Dick*: Each certificate referring to a preceding one? Yes, but you do not want to refer to the preceding one, for you have the whole history brought forward as far as it can affect the estate as it now exists, as on the previous one it would appear the mortgage not carried forward had been discharged.

6. *By Mr. Faucett*: When you use the words fee simple, and freehold, do you use them as synonymous? Not at all. In explanation of the last remark, I should say that certificates of title are granted to owners in fee simple, and the owners of life estates not being lessees when the life estate or a fee simple estate is transferred, the certificate is surrendered. If part of the land only is sold, the certificate is surrendered in like manner, and two certificates are issued, the one to the purchaser for the portion he has bought, and the other to the transferrer for the portion he retains. Fresh foliums are opened in the register book, with the same references. Where a lease is transferred, there is a printed form at the back of every lease, in words to the following effect:—"In consideration of the sum of

"I hereby transfer to all my estate and interest in the within instrument.
"Signed _____" Thus, a person transferring a lease walks into the office without the employment of any person, if he can sign his own name; he has only to fill in the amount of money he has received, and write his name. The memorial of the transfer is entered on the folium of the register book constituted by the certificate of title appertaining to the land; but it is not necessarily entered upon the counterpart of that certificate in the hands of the owner of the freehold, because it is not necessary for a purchaser or mortgagee from him to know that the lease has been transferred from A. B. to C. D.; all he can require to know is, that the lease exists for such a term, at such a rate of rent, with such covenants, and it might be difficult for the transferrer to obtain it from the lessor. Of course, if there be a covenant forbidding sub-letting, that covenant is respected. The surrender of a lease is just conducted in the same way as the transfer of a lease, only that the lessor has to sign also, as accepting the surrender of the lease. Then as regards mortgages. The mortgage does not, as under the old law, transfer the real estate; it simply hypothecates the interest of the mortgagor as collateral security for the money borrowed. The simple form of mortgage which I have handed is signed by the parties, their signature is attested, and the execution proved in the manner I have already described. A memorial of the mortgage is entered on the folium of the register book, and also on the duplicate of that in the hands of the mortgagee. If it be a mortgage of a leasehold interest, it is entered upon the lease in the hands of the lessee: it need not necessarily be entered upon the certificate of title in the hands of the owner of the freehold, because it does not concern his purchaser to know that the lease has been mortgaged; but it would concern the purchaser of the lease to know that it had been mortgaged, and therefore it is notified upon the lease. The mortgage is transferred by signing a printed form at the back, to this effect:—"In consideration of the sum of _____ I transfer to _____ all my estate and interest in the within security." I have already described how the signature and execution are to be proved. The transfer is also entered by a memorial on the folium of the register book, in the manner I have already described; but it need not be entered on the counterpart in the hands of the owner of the freehold, because it does not concern his purchaser to know if the mortgage has been transferred from A. B. to C. D.; all they want to know is if the mortgage exists, and the nature of that mortgage.

R. B. Torrens, Esq. 7. *By Mr. Dick:* They would want some evidence of the payment of the interest? Wh ch party?

16 July. 1862. 8. The purchaser would want some evidence of the payment of the interest? That he must get by the receipts of the mortgagees. The purchaser of the mortgaged estate must satisfy himself as to the amount of interest due, or other matters that he requires to know, which, of course, he can obtain in the usual manner by demanding the receipts and acquittances for it. I have not yet treated of the discharge of the mortgage. The mortgage is discharged by a simple receipt for the money endorsed on the back of the instrument in print, to which the person has only to sign his name and fill in the amount. The memorial of that discharge is entered on the folium of the register book constituted by the grant or certificate of title representing the freehold, and also upon the one instrument which represents the estate from which the mortgage has been released; it may be a lease, or it may be a freehold. If it be a lease it will be upon the lease; if a freehold, upon the certificate of title or grant. Any person desiring to encumber his land, for the benefit of his family or otherwise, does so, much in the same manner as I have explained with respect to mortgage, simply inserting, in lieu of the acknowledgment of debt to be paid, the statement of amount or annuity with which he wishes to charge the property, and the circumstances contingent upon which the property shall become charged; as, for instance, in the event of his wife surviving him, that she shall have a certain annuity upon it; or, of his daughter being married on attaining full age, that she shall have a certain sum of money. The procedure in regard to that, both as regards registration and otherwise, is just as I have detailed for the mortgage, except that in the event of the decease of the person, or of the occurrence of the event contingent upon which the property becomes charged, these matters have to be authenticated at the Registrar's, by certificate of the burial of the person, or of the marriage, or whatever other evidence may suffice. Any person desiring to settle his estate without employing trustees can do so by filling up the memorandum of transfer, modifying it to suit the circumstances of the case. Thus he can transfer his property to himself for life, with reversion to his eldest son, or any other persons in such succession as he pleases; the remainder over to himself, or as he pleases. He then surrenders the certificate of title which he holds, and he takes out a fresh one as tenant for life. Upon his decease the person next in remainder appears, and claims to be recognized as such, puts in an application exactly in the same manner as for bringing land under the Act for the first time. This is referred to the solicitors, with the will it might be in some cases, or with the instrument of settlement. The claim is advertised just as before, calling upon all adverse parties to come in and forbid the dealing, and they can bring it before the Supreme Court if any question arise. If no question arise after this full advertisement, the solicitors advise that the case is clear; the new tenant for life gets a certificate of title as owner. Upon his decease the same process is gone through, and so on. Should, by purchase or otherwise, the estate in fee simple revert to any person, the certificate of title evidencing the life estate is given up, and a certificate for fee simple is given to the party entitled. Any reversionary or remainder man, under a settlement or will, can require his name to be entered upon the folium of the register book as such, and he can then deal with his reversionary interest in the same manner as I have detailed for other cases; he can sell it, or raise money upon the security of it. Upon the death of any person who is registered as a proprietor, whether of a freehold estate or of a leasehold interest, or any other interest which is registered, the death is to be authenticated in the usual manner in such cases. The executor or administrator will, just as under the existing law, take the management of the property; but in the case of the fee simple estate or freehold, the devisee or heir-at-law has to make application to be recognized as such, just in the same manner as the original applicant who has land placed under the Act. The will is examined, or the probate. If there be no will, the evidence of heirship is gone into by the solicitors, and his claim is published in the public papers, posted in all directions, in the Court House and other places, calling upon all persons who believe they have interests opposed to his being recognized as devisee or heir-at-law of this estate, to caveat and call for the intervention of the Judges of the Supreme Court. If no one enters such claim, he gets a certificate as devisee or heir-at-law of the estate, such as it is. When it is desired to vest an estate in trustees—which is not so frequently the case as under the old law, because the facility for settling the estate without the intervention of trustees afforded by the process which I have just described is so great, and people usually dislike the employment of trustees when they can do the thing directly without their intervention—yet when it is desirable to vest property in trustees, it is done thus: the person settling the property executes an instrument of transfer to the trustees named, who hold the property as absolute owners, so far as regards any purchaser from them. They are regarded as absolute owners, and receive a certificate as such for that estate which is vested in them, be it a freehold or a fee simple, or a leasehold, and they can deal with it absolutely. The trustees execute a declaration of trusts, prepared of course by their own solicitors, and that they can deposit. It is not registered, but deposited for safe custody and reference. A settler of an estate, or any beneficiary under the settlement, can protect his interest by lodging a caveat forbidding the trustees to deal with the land until notice be served at the address of a solicitor or other person or themselves, for a month or more, as they may appoint, or forbidding dealing except under the particular circumstances named therein, or prohibiting dealing absolutely. They will, in the case of requiring notice, have time, if they see reason for so doing, to apply to the Supreme Court for an injunction prohibiting the trustees to deal ——— and otherwise to take precautions for the protection of their interests. By putting the words "no survivorship" on the instrument transferring to the trustees, no dealing can take place until the entire number of the trustees is completed, should it happen that by the death or resignation of one of the trustees or more the number is reduced.

I would state that this portion of the measure has been copied from the books of the Bank of England. The evidence of the Solicitor to the Bank of England is to the effect that whereas millions, and many millions have been thus dealt with in the funds, there has no case of fraud ever arisen when these precautions have been taken. They have been found by the experience of more than a century certainly (I forget the exact time) to be effectual; and it is to be borne in mind that there is a degree of publicity attached to all dealings of land which does not exist with regard to dealings with the funds, which in itself gives an additional protection, so that we may conclude that that which has been found effectual in the funds will be equally effectual, if not more so, in regard to land. There is a large amount vested in trust in Adelaide upon the principle I describe, principally by religious bodies. As an illustration, I would state that the Wesleyan body have deposited a model trust deed, and all their lands are brought under the Real Property Act by the method I have described under reference to this model trust deed, and a caveat is lodged in the name of Mr. Butters, who was the representative of the Wesleyan body, prohibiting all dealings except in accordance with the model trust deed. Other religious bodies act in the same way. Marriage settlements, &c., are done in the same way. An important use of land is as a means of securing a temporary advance by equitable mortgage. That is more readily and effectually done under this system than under the old law. The possession of a land grant or of any number of title deeds does not prove absolutely that the holder of them is at all entitled to the land. Persons will hold grants and deeds long after they have parted with all title and interest in the land whatever. It is invariably the case when they sell their property in lots, that they hold the original title deeds under covenant to produce for all interested. They might deposit these in the banks and the banks might make advances upon them, but under the system I have detailed that is impossible, because the certificate of title, which is the only evidence of title, is delivered up the moment they part with any portion of the property. Again, there may be a flaw in these title deeds; at the best, the title under the old law is but evidence, more or less strong, that the party is entitled; it does not amount to absolute proof when once the land grant is departed from. The certificate is indefensible. The bankers and money-lenders advance freely upon the deposit of the certificate of title or land grant. Some of them take the precaution of caveating, to prevent any dealing with the property by the person to whom they give the loan, and in addition they take the mortgage instrument, signed by the party, duly executed, which they lock up in their strong box; they do not register it. The object they have in this is, that although the borrower could not deal while the certificate of title was held by the party who advanced the money, yet in the event of his becoming insolvent, or any probability appearing of that, the person who has advanced the money brings out this mortgage that has been executed perhaps two years before, and registers it, and he can immediately proceed to foreclose or sell without any expense; whereas, if he had not, then in order to realize under his security, he would have had to take the same proceedings he is now compelled to take under the old law, that is, to get the party into the Supreme Court and then prove his preferable lien on the estate, and get it through the instrumentality of the Court; that would cost a large sum. I think I have gone through the principal dealings with property; there are several collateral advantages and facilities;—thus, a person bringing land under the Real Property Act, in contemplating a transfer, can in his application direct the certificate of title to issue to his intending purchaser, and that will save the cost of a transfer. The certificate is issued accordingly to that person and registered. We have not found, on working this system, the difficulties we had anticipated. I would state that the only difficulty we have had at all to contend with has arisen from the defective surveys of the Colony originally, and from the extreme negligence of the South Australian conveyancers in describing parcels in the subsequent conveyancing; in fact, nothing could be worse than the system adopted by the South Australian conveyancers in that respect; they have stuck to the English forms of conveyance, frequently describing property as "late in possession of A. B."; and who A. B. is, or what the land he was in possession of, there is no possibility of ascertaining.

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9. *By Mr. Hart:* Was this without giving defined boundaries? Without giving defined boundaries in innumerable instances. Again, when they define boundaries it is not distinctly, or if done they will give the length of the side lines, but not the value of the angles, or the compass bearings, so that it is impossible to identify the land. They do not either give the distance from some fixed point, as the corner of a road or street, from whence the boundary is to commence to be measured. In other instances the sole description is with reference to a plan said to be deposited somewhere, but the plan is not forthcoming, or there is no proof that that was the original plan. Sometimes we have three or four plans all differing one from the other, and each claiming to be the original plan, and it rarely happens that these plans give the areas of the several blocks, and the scale is little to be relied upon, because the damping and pressing the paper in the process of printing will, if the plan be upon a small scale, so alter the whole affair that upon applying the instrument to test the plan it will be found to be altogether out, and at variance with what was originally granted. These have been the difficulties we have had to contend with; we have had to reject some estates to which the title was otherwise perfectly clear, because of the impossibility of definitely fixing the boundaries. Great precaution is taken to prevent injury to parties in that way. When a clear and definite description of a property is given, a diagram upon a sufficient scale is made, and tracings of these are sent with the notice of the application to the parties who own the contiguous land, and to all parties who are disclosed by the evidences of title to have any interest in the property, and they are also left for inspection in the office, and in the offices of Corporations, or Court Houses, or District Council's Offices, nearest to the place where the land is situated. This is the form of printed notice sent out, and with this

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is a little diagram. (*The witness handed in the same. Vide Appendix D.*) With regard to all Government lands, lest there should be any error, we send in to the Surveyor General a requisition in this form—(*handing in the same. Vide Appendix E*)—to give us a diagram of the land the Government really have sold, lest there should be any mistake. Sometimes there are mistakes in the land grant, and by this means the Government office has the opportunity of revising them. With regard to indexes, there is an index kept of new properties; each property, as it is granted by the Crown, or surveyed for a grant, or as it is brought under the Act, is entered in this index with reference to symbols upon public maps. The first duty of the draftsman, when an application comes in, is to refer to this index—that refers him to the diagram and the list of all other properties adjacent to that in respect to which the claim is lodged; he then sees that the claim does not overlap the boundaries of any property for which a certificate of title has already been given, so, as far as human caution will enable us to avoid that contingency, we guard against overlapping boundaries. In the event, however, of such an error taking place, or of any person being deprived, the assurance fund has to be come upon to compensate the party from whom the land is taken, but the person who received the first certificate of title cannot be deprived in favour of the person who receives a subsequent one. We have had, as far as my memory serves me, only two cases of litigation about overlapping boundaries; the one is that of Lowenbyrrel, another that of Hart. Neither of these cases is yet decided. It is clear, in the case of Lowenbyrrel, that the parties acting for the office were right, therefore a verdict must go in that way. In the other it is quite doubtful. That is the result of over three thousand applications; and I would state that many of these applications will cover as many as a dozen separate estates with distinct boundaries and distinct titles, to save the cost of several application fees. So that although the number of applications has been little over three thousand, the number of separate estates is probably fifty per cent. in excess—I cannot state the exact number—and yet these two instances are all we have to record yet in four years. The effect of the gradual working of the Act has been this, that it is overcoming by degrees the violent opposition that was made to it; persons are gaining confidence from the constant success of its operation. The total number of transactions that have taken place in four years is considerably over six thousand. These comprise all manner of dealings; and I think it may be said that if we have carried on the operation six thousand times, the probability is that we may carry it on six million times without any difficulty. The like success has attended the working of the measure in Queensland, during the brief period in which it has been in operation. I have a letter from the Registrar General there to that effect. It is now in operation also in Tasmania, and will come into operation in Victoria on the 1st October. We find many incidental advantages arising which we did not before perceive, and I recommended an alteration in the Tasmanian Act and in the South Australian Act also, to take advantage of one of these. It is this—that by correspondence between the several offices in the different Colonies in which this system is at work, the officer conducting the department will manage the dealings and transactions of persons who, though resident in one Colony, may want to deal with property in the other. A case in point occurred the other day, when I was at Hobart Town. A clergyman of the name of Watson desired to sell an estate in South Australia, the purchase money had been lodged, but the instrument had not been made out; we went before the Chief Justice and executed the whole thing in about eight or ten minutes, and the documents were sent by the post. In that case the certificate of title, together with the instrument of dealing, were transmitted to the Registry Office of the Colony in which the land is situated. The dealing is registered, the endorsement made upon the certificate of title, and the requisite document sent back to the parties entitled through the post. There is no agency employed, no expense incurred. In South Australia the majority of persons transact all their business in the office, except, of course, in cases of settlement, and sometimes complicated leases; but the ordinary simple agricultural lease is usually drawn by the parties themselves. Another effect of the Act is, that persons in lieu of having money advanced upon equitable deposit, take mortgages under the Act, in cases in which they were deterred by the old system of conveyancing from doing so; and also that, instead of taking promissory notes and bills, where the borrower is in possession of freehold or any other estate, however small, they are in the habit of taking mortgage. I have mortgages in the office for sums as small as £7. They do that because a mortgage can be executed for 10s. and a lease for 5s., and it takes only about the same time as would be occupied in filling in the memorandum of a three months bill.

10. *By Mr. Dick*: It costs no more for £10,000? No; the labour is precisely the same, and there is no risk. I cannot now call to mind that there is anything farther to say with regard to the South Australian Act. I will, therefore, if the Committee desire it, treat of the Bills now before them.

11. *By the Chairman*: The Act now in operation in South Australia is the fourth Act that has been passed? Yes.

12. Do you consider that it is now tolerably perfect? I would state with regard to that, that it has been very much spoken of as an objection, that the Act has been so frequently amended. The reports of the Attorney General to the Governor on each occasion have been something in these words:—"The amendments proposed neither add any new principle, nor take away any old principle." They have been additions of details. There have been a great many clauses repealed and fresh ones substituted, sometimes for the insertion of a word. As an instance, I would state that the word in the clause which relates to the payment over of the moneys realized upon the sale of mortgage, when the mortgagor is in default, were, "all moneys then due." The word "owing," it was stated by the profession, should be put in, and all the clauses in which those words occurred were repealed, about half a dozen

were

were repealed, and others substituted, to insert this word "owing." Again, an error was committed in using the word "distringas," instead of "injunction." That is the nature of many of the amendments. Others have been additions; for instance, the recent addition was proposed by Mr. Dick, which we find of very great value—the latest addition that has been made to the Bill. It is this: that in lieu of the very costly round-about procedure in foreclosure upon the mortgage that exists at present, this process is substituted:—The mortgagee produces a certificate supported by the affidavit of a licensed auctioneer, that he has advertised this property for sale under the power of sale in the mortgage, and that he has had no bid exceeding the amount of the mortgage money and interest then due. The paper is produced to show that it has been duly advertised, and then a second advertisement is made, stating that unless a caveat be lodged, a certificate of title will be given to the mortgagee, and it is given to him. That process does not cost above 40s., and it is impossible that any injury or injustice can arise to any one. That I consider a very valuable improvement in the measure. It is only in practice these things can be suggested. The Act as it now stands, appears long, containing, I think, 140 clauses, but these matters have been suggested in the experience of its working, as additions which, although not essential to its principle, will be conducive to the facile and advantageous working of it. The only alteration I could suggest in the Bill is that I have formerly mentioned, in nominating persons before whom the execution of documents may be proved. The Registrars or Records of Titles in the various Colonies should be inserted. That is the only thing that suggests itself to me. The Bill, as the Committee are aware, has been very carefully gone into by the late Chief Justice, Sir Charles Cooper, and the present Chief Justice, Hanson, and the result of their inquiries is before the Committee. The report there is drafted by the present Chief Justice, with the exception of the portion that relates to objections raised by Sir Hugh Cairns and Mr. Thrupp adverse to the Act. That portion has been drafted by Sir Charles Cooper.

R. B. Torrens,
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13. *By the Chairman:* You have read, I suppose, the Bills that have been prepared by high legal authorities in England upon this subject? I have read them all.

14. Do you consider, as regards the circumstances of the Colony, that your Bill would meet our requirements better than these Bills would do? I would state with regard to that, that one of these Bills is almost identical with the measure I have been speaking of; I mean the Bill of the Lord Chancellor.

15. Is this the Bill you refer to (*handing copy of a Bill to witness*)? Yes; it is as nearly as possible identical with the present South Australian Act; so much so, that the press of South Australia accused him of copying it. It was before him when he was Attorney General, to advise Her Majesty in regard to a petition from the legal profession in Adelaide, praying Her not to disallow the measure, and he then reported upon it. I can show to the Committee the points in which it varies from the South Australian Act, and the first important matter, I think is, that he allows land to be withdrawn from under the operation of the Act. By clauses 3 and 25 His Lordship allows the leaseholder to bring his estate under the Act, if it be a lease for lives, or has a term of not less than fifty years to run. The next is more important: it is clause 5, and subsequent clauses. Judicial functions are imposed upon the Registrar. Under the South Australian system, the fact of a question being raised suspends all action until that is decided in the ordinary Courts. The Lord Chancellor would make the Registrar a Judge, to settle these disputes, with an appeal to the Court of Chancery. I believe, in practice, that it will be found advisable to keep the mechanical details of the working of the measure wholly apart from judicial functions in the settlement of disputes which have nothing whatever to do with the registration of title. The title should not be brought upon the register till that is all settled by the constituted authorities of the country. It may be difficult to find a person who has the methodical, mechanical, plodding habits, necessary for a man conducting such a department, and also has the legal attainments necessary for a Judge; and it does not seem very wise to impose upon the country the cost of paying for that higher qualification for the continued conduct of mere mechanical routine.

16. That seems to be about the chief distinction between your measure and theirs? Yes, that is peculiar to the Lord Chancellor's measure; all the others set up a separate Court throughout. Sir Hugh Cairns establishes a Court, but the Registrar is not of the Court.

17. *By Mr. Faucett:* As I understand you, the Registrar in South Australia is, in fact, the Court? The only point the Registrar has to decide in which he could be conceived to approach that position, is that, as one of three, he, upon the report of the solicitors, will regulate the extent to which the advertisements shall be made.

18. That is, as one of the Board? As one of the three. I would here state, that whatever might be said upon that matter in an old country, there is this distinction as regards a new country, that although we have some very bad and very complicated titles, still we have some titles that are absolutely clear and free, and there can be no possible reason for submitting the holder of those titles to the expense of going before a Court of Justice, and the delays incident to it; whereas we provide, whenever there is an opposing party, which is the only case where judicial functions can arise at all; if there is no opposing party, the Registrar, under direction of the Board, deals with the case, because there is nothing to decide between parties—the country has already got a Court in that case—

19. *By the Chairman:* I understood you yesterday, in conversation, to say that very complicated titles were not dealt with at all by you? However complicated, if no caveat be lodged. What I said was, what I would positively call a bad title was immediately rejected. We do not profess to make a bad title good; that is simply to rob some one for the benefit of some one else. We cure all defects in good holding titles. Any man who has a good holding title —

- R. R. Torrens,
Esq.
16 July, 1862.
20. *By Mr. Faucett*: You do what the Statute of Limitations does? Yes.
21. *By Mr. Hart*: Without allowing time as the statute does? Yes. I will state two cases that we rejected some time back. We had a man who had been in possession seven-teen years as a tenant, without any lease, of a house and land. The owner of it was dead; he died drunk, and no heir could be found. The tenant sold whatever interest he had in it to somebody, and executed a regular conveyance. This person came with the conveyance, to bring it under this Act. That was rejected. In another case, a widow sold land. There was no will. She administered to her husband's chattel property. He had a freehold estate in a public-house and some land. She sold this, got the money, and a conveyancer drew the conveyance. It passed through two or three hands, and the party who last purchased it came to us to bring it under the Act. That was rejected, as there was no evidence of title. That shews the kind we reject. I will now show some that we allow that are in a queer state. A great conflagration occurred at Port Adelaide. There was a Building Society there, and the Secretary's house was burned, and all the deeds of property held by it were burned in it. There were memorials in the Registry Office of these deeds, and we got affidavits proving the fire—proving also that the deeds were in boxes in the office, and some of the cinders and fragments of some of the deeds were produced. We gave all these people absolutely indefeasible titles. It was done by us at an expense of 30s.
22. *By Mr. Faucett*: Then you adopted the memorials as the evidence of title? As the basis.
23. Then I suppose you took the memorials merely as absolute evidence of what they contained—you did not do more than that? We gave them certificates of title.
24. You gave them a certificate of the title the memorial disclosed, and no more? They are very brief with us.
25. Did you give certificates of title beyond what the memorials disclosed? No.
26. *By Mr. Hart*: Did the memorial disclose that the person held a title in fee simple or in freehold? They were all in fee simple.
27. Did the memorial disclose that? Yes.
28. In what portion of the memorial was it stated that the parties held the estate in freehold or in fee simple? Our memorials are very brief, and the law is peculiar. The Registrar is bound to examine the memorial with the deed of which it is the memorial; and if there be anything in the memorial not in the deed he may reject it; but no matter how much of the material matter of the deed is omitted in a memorial, he must accept it. I have known many memorials, in which there has been a covenant to purchase, which has been the most valuable part of the lease, omitted.
29. I want to know in what part of the memorial it stated that the parties held the estate in fee simple or in freehold? The memorial does not occupy above half-a-dozen lines. It is in separate columns, and this matter would appear in the column headed "Here describe the nature of the estate."
30. Is there a column to that effect—"Here describe the nature of the estate"? Yes. Another point of variance to which I will refer is this:—His Lordship has two systems as it were, the one in which there is a guarantee of title given,—that is identical with the South Australian system in all its parts and bearings; the other differs in this, that the certificate is given without guarantee—the guarantee title being suspended for a time named, or until the occurrence of some contingency specified. I do not see any utility in that myself; the object of the Act is to diminish the cost of conveyancing, the time occupied in it, and the risks of law-suits arising from under it. Now it does not seem to me to diminish the time or expense much; for the solicitor, unless the title be guaranteed, must wade through the old title and its evidences in exactly the same way as at present—therefore the cost would be the same, and every time it is transferred the same thing would have to be gone through as now. On the other hand it would certainly encumber the system, and, as pointed out by Sir William Stawell, in his evidence given before a Committee of the Legislative Council in Victoria, there is danger that persons dealing may not commit the error of confusing an unguaranteed title with a guaranteed, and thus be defrauded. I can see no advantage in such a system. I think it better to postpone giving any certificate at all till you can give the real thing that will be secure.
31. *By the Chairman*: It interposes a stage from which you do not see that any benefit will arise? In those countries to which I have referred they do not see any use in it. When the event occurs that would establish the claim to be recognized, I think then it would be time to give him the certificate. I do not see any advantage in giving him one till that time. There is nothing in principle opposed to our Act that I perceive. Then the remaining matters are principally in working the details. There is a very great difference, and, with all respect to His Lordship, he has never had any experience in matters of that kind. Without for a moment presuming to enter beyond the mere mechanical working matter, in which I have had twenty-five years' experience, I would say I do not believe it would be possible to carry out his admirable system with the mechanism he has set up for the purpose. He sets out with three register books instead of one.
32. *By Mr. Hart*: Your measure, I presume, was not complete in the first instance? No, but the machinery was the same—it has never been altered. I am not now comparing this Bill with the first measure, but am going through it to point out the variance between it and the South Australian Act, and then commenting upon it to shew whether they are differences in principle or in matters of detail.
33. Then the machinery for working the Act is looked upon by you as a matter of detail? But so very important that, however good the principles, if you do not put the proper machinery to carry them out your principles will go to the winds. You may have a splendid design for a steam-engine, but unless you have a skilful workman to carry out the design, to
adjust

adjust the various portions, the cogwheels, the cranks, and so on, your machine will not act. R. R. Torrens, Esq.

34. *By Mr. Fauvelt*: I scarcely see any parallel in the two cases? I think in practice you would find it very much so.

35. Can you state whether there is any difference in principle between the details of your Bill and those of the Lord Chancellor's? None in principle. 16 July, 1862.

36. I use the expression perhaps incorrectly —? I may attach a different idea to the word "principle" from that you entertain.

37. Do you think there is any difference in principle as to the working of details, whether you use one book as under your Act, or three as required by the Lord Chancellor? Not in principle; but the liability to error and the increase of work that would require to be done from that small matter would be great. The principal objection however is this, that he omits to provide for the surrender of the existing certificate of title, and the issue of fresh ones upon each transfer; that alone I think would cause it to break down. There are matters in our Bill suggested by our experience in its working that are not in his. Our Bill has from time to time, like a piece of new machinery—the Armstrong gun or steam-engine—had to be taken down, taken to pieces, and put up again.

38. *By the Chairman*: You think you prefer the Lord Chancellor's Bill to Sir Hugh Cairns' or any modification of Sir Hugh Cairns'? Unquestionably. Some slight alterations in the Lord Chancellor's Bill would make it work, and these alterations are only in the mechanical carrying out of the thing.

39. *By Mr. Holt*: The Lord Chancellor's Bill is a copy of yours? I would deny his copying; I say His Lordship has been accused of doing so by the press of South Australia. The fact is this: I was led to this system some ten years ago, or more, by the fact of having been Collector of Customs sixteen years, and afterwards Registrar of Deeds; and also by having some acquaintance with the mode of proceeding with regard to dealing with bank stock; and I saw, when I became Registrar of Deeds, there was nothing to prevent my applying to land the same routine and mechanism I had been applying to ships. The Lord Chancellor himself says that he referred to the same source that I did—the Shipping Act. He says so in his speech, when the Report was laid upon the Table of the House of Commons in 1857. My Bill was in print in 1856. My idea was taken from the Shipping Act, and the principal alterations in the original Bill were occasioned by my adhering too closely to the phraseology of the Shipping Act, and I have had to modify it. The Lord Chancellor went to the same source, and applied the same principle, as you will see by referring to that source. Thus we both built from the same model, and that accounts for the similarity in our measures.

40. *By the Chairman*: You both tried to adopt the principle which applied to chattel property, shipping and bank stock, to land? Yes.

41. And took the Shipping Act for your model? Yes; that has been in operation for six hundred years in Hamburg, and I am informed that litigation, except as arising out of wills and settlements, is unknown. I have now before me a Bill introduced by Mr. Cowper, on the 4th June, 1862, "for the Declaration of Titles to Land." This is a modification of Sir Hugh Cairns' Bills. First I would state that it is, to say the least of it, inconvenient to divide one subject into two Bills. That has been pointed out by the Law Amendment Society, and commented upon in the *Jurist*, the *Law Journal*, and other legal authorities. In the first clause I do not see any provision for bringing life estate under it, or for the registration of remainder men or reversioners.

42. *By Mr. Hart*: Upon looking at the first section, do you see that the objection to that clause, as it originally stood, has been removed? So far as that section is concerned—not so far as the subsequent sections are concerned. The next objection I make is to the appointment of a Court at all. I think I can demonstrate that from experience, which is better than argument, and I have stated before, that in our experience, close upon three thousand applications, involving probably five thousand separate and distinct titles, there have been only four instances in which there has been reference to the Court, arising out of it. Then the duty that has to be done is not what is usually considered to appertain to a Court. A Judge on the Bench, or even in his chambers, does not usually plod through title deeds, and summon evidence to prove marriages, births, and such matters; and I perceive that the Act contemplates the employment of agents to do the work in that way. In the 9th clause it says:—"The Court shall also by means of local agents or in such other way as the Court thinks fit make inquiry as to the title of the applicant and the rights of tenants occupiers and others," and so on. It appears to me to be an acknowledgment of that which is sufficiently evident without its being acknowledged, that it is not the sort of business expected from a Judge.

43. *By the Chairman*: That seems to be adopted from the practice in the Chancery Court at Home, where the Vice-Chancellor performs that duty? Through the medium of his officers. I would state again, that it is essential throughout the working of the system that there should be solicitors attached to the Registrar General's Office, for his information. There is full occupation for one conveyancer, even in South Australia, exclusively in reading over the instruments that are brought in for registration, to see that they are proper and fit, but the chief duty is the drafting particulars of title. No one should be allowed to do that but skilled professional men; therefore it will necessitate, if Judges in the Court are appointed, that solicitors, who in reality would do the work, should also be appointed.

44. *By Mr. Holt*: And the Judges would have sinecures? Yes. The 5th clause says:—"The Court may before taking any further proceeding in the matter of any such application require the applicant to give such security for costs as the Court thinks sufficient"; and I find in a clause in the other Bill that there is something to the same effect, that a solicitor must invariably be employed to bring the matter before the Court. Now I cannot see any possible

B. R. Torrens, Esq.
16 July, 1862.

possible reason why a man holding a land grant, or any other reasonably fair title, should not be allowed to make his application in a printed form similar to that I have put in, without having to pay £20 or £30 possibly to a conveyancer for doing that which is not required to be done at all. We never find any occasion for doing it.

45. What clause is it you refer to? I say a subsequent clause of the other Act, referring to solicitors; it says nothing shall be received that does not come from solicitors.

46. *By Mr. Dick:* Attested by the solicitors? It is beyond that; it is as I have stated.

47. *By Mr. Smart:* Clause 39? It is in the other Bill, the clause I refer to.

48. *By Mr. Hart:* You allude to the 39th clause, but you will observe that does not prevent a party appearing in person if he should so think fit? That is not the clause to which I refer. The nature of the first objection is the necessary costs it imposes, and the great delay, which would, I think, be prohibitory.

49. *By the Chairman:* Those costs arising out of the necessity for parties to appear by professional gentlemen? Yes; or to go before the Court when there is no opposing party. The next objection is to part 3 of clause 7, "Leases or agreements for leases for any term not exceeding twenty-one years or for any less estate in cases where there is an occupation under such leases or agreements." Now, a lease of twenty years, or even of five years, may be a very serious matter indeed to a purchaser, and I should consider it an objection to omit the notice of this upon the certificate of title. One of the most material benefits to be guaranteed by this system is the facility for parties dealing with perfect assurance between one another that all is disclosed, and instead then of these leases, which are most material facts for the purchaser's or mortgagor's consideration, being disclosed upon the instrument, he has to go and search for them; that I consider a great defect. I have already treated of clause 9; that work which properly belongs to the conveyancing solicitor is thrown upon the Court.

50. Do you not consider that some advantage might be gained by having the examination in open Court; it does not necessarily assume the Judge to be the party to make these inquiries, provided the appellant and respondent, as they may be called, appear there and show the evidence to the title on both sides, leaving the Judge to decide? Unquestionably, where there is an opposing party, but such cases will not constitute above two or three per cent. of the cases brought up, and of the ninety-seven or ninety-eight remaining there will be simply the work of the conveyancing solicitor, and I do not understand how the open Court will be the proper place for the careful, pains-taking, plodding comparison of deeds, or what will be gained by the parties being present when the solicitor is at his work. The advertisement calling attention to the fact that such claim has been put in is all that is necessary.

51. *By Mr. Faucett:* If that be so, why should the public be put to the expense of making any inquiries at all in those 97 or 98 cases where the title is clear? The examination precedes the advertisement, and I say the title may be perfectly clear, or it may be not so, but although the evidence that may be brought by the applicant may be perfectly clear as far as it goes, there may be some outstanding latent claim in some other person which may not be discovered by the solicitor but may be discovered by notice; and further, there is this advantage in the publicity, that the parcels are described by the diagrams, and although a man may hear that his neighbour has applied to bring his own land under the Act, he may not be aware that the neighbour, in his description of his own land, includes a piece of his; therefore, the advertisement is very essential in notification, seeing that we give an indefeasible title. Where there is a land grant it is not necessary. The 10th clause says, "The Court may annex conditions to any such declaration by requiring the applicant to give any indemnity or to obtain any consents or otherwise to act as the Court directs." I think it would be well, before making the declaration at all, that all these requirements should be fulfilled; it would be objectionable to issue any declaration till the whole thing is satisfactorily settled. The 12th clause states the effect to be given to a declaration:—"Whenever a declaration establishing the title of any person to land has become final every purchaser for valuable consideration of the land mentioned in such declaration or of any part thereof or of any interest therein shall be deemed to hold the same —" He shall receive in effect an indefeasible title, but it leaves the applicant himself exactly where he stood before; it is only the purchaser from him that gets the title according to this Act. In the next Act that is remedied, but at an additional expense, and only as regards fee simple estates, as we shall see. The 15th clause is hardly worth noticing, but I would suggest that two or three words in the first clause would suffice for all that is intended in this clause.

52. Will you be kind enough to look at the 9th clause, in reference to what you have just stated? "The Court shall also by means of local agents or in such other way as the Court thinks fit make inquiry as to the title of the applicant and the rights of tenants occupiers and others and if satisfied upon such inquiry and hearing if any with the title shewn to such land or to any part thereof shall make a declaration that the applicant has established his title to the whole or such part subject to any incumbrance specified in the declaration and subject in all cases to such charges and interests as may be subsisting thereon." That is very well; then comes the succeeding clause:—"The Court may annex conditions to any such declaration by requiring the applicant to give any indemnity or to obtain any consents or otherwise to act as the Court directs." I think that all these consents ought to be had before the Court gives the declaration.

53. That is not what I allude to; it is as to the finality of the declaration—the declaration is final? The declaration is final, but still it appears that subsequent consent is to be had.

54. I am not speaking of consent at all; but to the circumstance that these clauses appear to make the declaration final? Then the two clauses contradict each other, because the 9th clause states that the Court shall make a certain declaration—"that the applicant has established his title to the whole or such part subject to any incumbrance specified" therein,
but

R. R. Torrens, Esq. And I further declare that there is no person in possession or occupation of the said lands adversely to my estate or interest therein, and that the said land is now declaration conscientiously believing the same to be true. and I make this solemn

16 July, 1862. Dated at this day of 186 .
 Made and subscribed by the above-named this day of
 in the presence of me

I, the above declarant, do hereby apply to have the piece of land described in the above declaration brought under the operation of the Real Property Act of 1860.

Dated at this day of 186 .

Witness to signature—

To the Registrar General—

I, the above-named declarant, hereby request you to issue the Certificate of Title for the above-mentioned of land, in the name of

Witness to signature—

[This application is correct for the purposes of the Real Property Act.]

B.

[South Australia.

Bill of Mortgage.

I, being a shareholder in the and being registered as the proprietor of an estate, subject, however, to such incumbrances, liens, and interests, as are notified by memoranda indorsed hereon, in of land situated in the

In consideration of the sum of lent to me by the present Trustees of the out of the funds of the said Society, the receipt of which sum I hereby acknowledge, do hereby covenant with the said present and future Trustees of the said Society, that I will pay to the Secretary of the said Society, or the person appointed to receive the same, the sum of on in each week, and all subscriptions, fines, interest, and other payments to become due according to the rules of the said Society upon the said share, and upon the said principal sum of £ so advanced to me as aforesaid. And also, that I will observe all the rules and regulations of the said Society until, with the consent of the present or future Trustees of the said Society, I shall pay off such balance as according to the rules of the said Society may be owing to the said Society in respect of the said principal sum of £ with all arrears of subscriptions, fines, and other payments hereby covenanted to be paid to the said Society.

And for the better securing to the present and future Trustees of the said Society the payment at the times aforesaid, of such weekly sums and subscriptions, fines, interest, and other payments as aforesaid, I hereby mortgage to the said present and future Trustees of the said Society all my estate and interest in the said land above described. And I empower the present and future Trustees of the said Society to sell the estate and interest hereby pledged to them as security whenever I shall make default for the space of weeks in payment of the said weekly sum of and the subscriptions, fines, and interest, or other moneys to become due in respect of the said share, and of the said principal sum of £ according to the rules of the Society, without serving me with any written demand for payment of such moneys, pursuant to the provisions contained in the Real Property Act of 1860, or complying with the other requirements and provisions of the said Act in reference to the power of sale conferred on mortgagees claiming under any Bill of Mortgage; and, save as hereinbefore mentioned, I hereby confirm unto the present and future Trustees of the said Society all powers and remedies given by a Bill of Mortgage under the Real Property Act.

In witness whereof I have hereunto signed my name this day of Mortgagor.

} Mortgagees.

Signed by the above-named as Mortgagor, this day of in presence of

Signed by the above-named as Mortgagees, this day of in presence of

No. Mortgage of situated in

Correct for purpose of Registration.

Mortgagor.
 Mortgagees.

Particulars entered in the Register Book, vol. folio , the day of 186 .

Registrar General.

Received from this day of the sum of being in full satisfaction and discharge of the within obligation.

Mortgagee.

C.

ON THE LAND TITLES DECLARATION BILL.

C.

[South Australia. R. R. Torrens,
Esq.]

(C.)

Lease.

I, _____ being registered as the proprietor of an estate,
subject, however, to such incumbrances, liens, and interests as are notified by memoranda indorsed ^{16 July, 1862.}
hereon, in _____ of land situated in _____

do hereby lease the said _____ land above described, to

from _____ as tenant, for the term of _____ at the yearly rent of _____
payable by equal _____ subject nevertheless to the covenants, agreements, and provisos
hereinafter contained.

Dated this _____ day of _____

Lessor.

Witness—

I do hereby accept this lease of the above described lands, to be held by me as tenant for the term
and subject to the covenants, agreements, and provisos above set forth.

Dated this _____ day of _____

Lessee.

Witness—

No. situated in	Lease of	Correct for purpose of Registration.
		Lessor.
		Lessee.

Particulars entered in the Register Book, vol. _____
folio _____, the _____
day of _____ 186 _____
Registrar General.

D.

Real Property Act Notices.

WHEREAS the persons named at foot hereof have each respectively for himself made application to have the lands set forth and described before his name at foot hereof, brought under the operation of "The Real Property Act;" Notice is hereby given, that, unless caveat be lodged with the Registrar General, by some person having estate or interest in the said lands, on or before the expiration of the period herein below for each case specified, the said pieces of land will be brought under the operation of the said Act as by law directed. Diagrams delineating these parcels of land may be inspected at the Lands Titles Office, Adelaide, and in the offices of the several Corporations or District Councils in which the lands are situated, or at the office of the Local Court nearest thereto.

PROPERTIES.	NAME.	RESIDENCE.	Date up to and inclusive of which caveat may be lodged.
			1861.
Township Strathalbyn.—Lot 24 of section 2619, Hundreds Strathalbyn and Kondoparinga	John Dick	Adelaide	15 Sept.
Township York.—Lots 66, 67, 71, and 72 of section 394	John Larmour	Township York	15 Sept.
Hundred Yatala.—North-west corner of lot 83, and part north-eastern moiety of said lot, part of section 422	Richard Keal	Port Adelaide ..	15 Sept.
Township Norwood.—Part block 1 of section 261, Hundred Adelaide	William Crooks	Norwood	15 Sept.
Township Kensington.—Sub-lot 34 of lots 93, 94, 101, 102, 107, and 108, of section 289, Hundred Adelaide	Mary Thomas	Adelaide	15 Sept.
Hundred Nuriootpa.—Section 250	John Ridley	England	15 Oct.
Hundred Alma.—Section 601	Philip Levi & Alfred Watts	Adelaide	15 Oct.
Hundred Myponga.—Sections 595, 596, and 598	William Paul	Myponga	15 Oct.
Hundred Talunga.—Sections 1628 and 7016	Michael O'Dea	Talunga	15 Oct.
Hundred Moorooroo.—South-west portion of section 171	Johann Carl Friedrich Obst	Light's Pass	15 Oct.
Hundred Moorooroo.—Part section 155	Johann Heinrich Scholz ..	Nuriootpa	15 Oct.
Hundred Kanmantoo.—Sections 2010 and 2011	John Crossland	Mitcham	15 Oct.

Dated this thirteenth day of August, one thousand eight hundred and sixty-one, at the Registry Office, Adelaide, South Australia.

R. R. TORRENS,
Registrar General.

E.

To the Honorable the Surveyor General,—

REQUIRED diagram of Section No. _____ to a scale of twenty chains to the inch, with boundaries and measurements, or tracing of old plan, with boundaries and district roads marked thereon.

THURSDAY,

THURSDAY, 17 JULY, 1862.

Present:—

MR. HOLT,
MR. DICK,
MR. FAUCETT,MR. W. FORSTER,
MR. HAY,
MR. SMART.

THE HON. CHARLES COWPER, ESQ., IN THE CHAIR.

Robert R. Torrens, Esq., called in and examined:—

- R. R. Torrens, Esq.
17 July, 1862.
64. *By the Chairman:* Will you have the goodness to proceed with your evidence, resuming at the stage at which yesterday it was interrupted by our adjournment? I call attention to the 2nd clause of the Declaration of Titles to Land Bill. That clause says—"The application shall be made in such form as the Court directs and shall be accompanied by an abstract of the title of the applicant and a plan of the land according to a scale specified thereon and by such evidence as the Court requires." The production of an abstract is here made imperative. Now, we do not find that above two per cent. of the cases require an abstract. It is the custom of the profession to require an abstract, but it is putting the parties to an enormous expense, without any cause or reason. The abstracts in South Australia vary in cost from £5 to £50. In the case of a person having a land grant that had been transferred, or mortgaged, once or twice, the abstract is perfectly useless; then why put him to the expense of an abstract, which would cost £5 at least?
65. Would it not appear that this only applies to the titles to be brought under the operation of the second Bill, rather than that for facilitating the Transfer and Registration of Titles; that is to say, to cases of disputed titles? The Bill I hold in my hand is for the Declaration of Titles to Land.
66. Do you mean to say it would be required that, in every instance, there must be an abstract of title? The Bill runs to that effect.
67. Be kind enough to proceed? Mr. Allport, an attorney of some eminence, is opposed to this system; he asserts that abstracts are useless, except in rare cases, and we have found it so in practice; we do not get them in above five cases in a hundred; we do not require them. There was a doubt expressed yesterday as to the meaning of the 12th clause, regarding the effect of declaration, and it was held, I think, that the 9th clause gave an indefeasible title to the person in whose favour a declaration had been made. The 9th clause says, with reference to the Court—"And if satisfied upon such inquiry and hearing if any with the title shewn to such land or to any part thereof shall make a declaration that the applicant has established his title to the whole or such part subject to any incumbrance specified in the declaration." It simply states that he has established his title, but does not state the effect of the declaration in that clause. In the 12th clause we find—"Whenever a declaration establishing the title of any person to land has become final every purchaser for valuable consideration of the land mentioned in such declaration or of any part thereof or of any interest therein shall be deemed to hold the same for the estate or interest specified in such declaration." It thus appeared that the man who got his declaration made final gained nothing whatever thereby; it was only the purchaser who gained. I think it cannot be argued that more force should be given to a declaration not made final than to one that was made final; it does not give an indefeasible title to the man in whose favour it is made.
68. Does not this refer rather to the 10th and 11th clauses which interpose, which state—"The Court may annex conditions to any such declaration by requiring the applicant to give any indemnity or to obtain any consents or otherwise to act as the Court directs and may also reserve in such declaration the rights of any person or classes of persons. An appeal against any such declaration may be lodged with the Court of Appeal hereinafter mentioned at any time within three months from the date of such declaration and the Court may annul the declaration or confirm it with or without modifications or additions and where no appeal is lodged at the expiration of such period of three months the declaration shall become final?" It gives the effect of a final declaration.
69. *By Mr. Dick:* It thus guarantees a title to a purchaser only? Yes. Then there is no inducement whatever to any person to register his land; he gains nothing by it; and if he were going to sell, such a delay and cost would be interposed that it is not likely he would avail himself of it.
70. *By the Chairman:* There would be this inducement—that he would be in a position to register his title, which he could not do after? Yes; but we shall see to what extent that would be a benefit in the next Bill.
71. Under the 6th clause of the Land Transfer and Registry Bill, "all land hereafter granted in fee by the Crown and all land as to which a declaration of title by the Court shall have been made final shall be subject to this Act." That is the advantage of it, which, under the 18th clause, paves the way to an indefeasible title? It is only for *fee simple* estates. Now the first Bill permits a *freehold* estate to be brought under it, which may not be a *fee simple* estate; it may be a life estate or lease for lives, and there is nothing about registering such estates, or granting certificates of title thereto; there is no provision for these other estates, although they were allowed to be brought under the Bill. With regard to the 18th and 21st clauses, I stated that, from the experience we have, they would be found only to encumber the Act; they relate to indemnities for outstanding liabilities. From the experience we have had, I should say it would be better not to bring land under the Act until these outstanding matters were settled; but if not settled they should be recorded under the Registry Act instead of these indemnities, which are no part of the machinery, and will greatly encumber the working of any measure. I now go to the

32nd clause, down to the 48th. These clauses relate to the establishment of the Court. I R. R. Torrens, Esq. think I have already pointed out that, so far as the business usually coming before a Judge is concerned, there is scarcely anything to do; it would not only be useless, but a positive obstruction. The constant reference I find in the other Bill to this Court, and the necessity for referring the ordinary transactions of business to this Court, would, I am afraid, cause so much delay and cost that it would be a positive obstruction, without being of utility. The work to be done is that of a conveyancing solicitor, and the examination of titles; this could not be done by a Judge sitting on the Bench. Where questions arise by any person claiming adversely to the applicant, that is a case for a Court, but these are very rare in practice—only five per cent. at the outside.

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72. How would you deal with them, small as they may be in number? Refer them to the existing Courts instead of this Court, because I presume it is contemplated to make this system self-supporting, and if a new Court was set up at the expense of the country, the costs to be borne in the shape of fees, &c., would make the burden so heavy that it would be better to remain under the old system. The operation of an Act such as the Lord Chancellor has approved of, and now in force in South Australia and other of the Colonies, would be likely to diminish the work to be done by the Judges of the Supreme Court, and some additional work might then be borne. But this would not be additional work; work of the same kind already exists. The only course for applicants would be to bring forward the case at once, instead of waiting for an indefinite period. A latent claim, sooner or later, would be the subject of a lawsuit, which should be settled as early as possible. This measure diminishes the work of the law Courts. It is not such work as a Judge can do—it is the work of solicitors. There is another point bearing upon the other Bill which, in treating of them as one measure, I call attention to. It is absolutely essential for the Registrar to have at his side a solicitor. I find, after great experience, that constant reference to a solicitor is required, and there is no provision in the Bill for the appointment of a solicitor. Solicitors are requisite to investigate titles and to aid the Registrar. They have to prepare the drafts of certificates of title, to examine the various instruments that come into the office for registration, to put their initials to the documents, to show that they were examined and found in proper form, and constantly to advise the Registrar and public how to proceed. The establishment of a Court instead of the appointment of solicitors impairs that matter, as a Judge cannot be supposed to be in that position, that is, to some extent, a helper to the Registrar.

73. In explanation of what you have said, may I ask is every case referred to the Board? Every case.

74. Does not that rather obstruct the operation of the Act? No, it is not found to do so.

75. How often do they meet? But once a week, unless there is pressing occasion, when they meet twice or thrice.

76. When they do meet, what is the course of procedure, after the solicitors have reported upon those titles with reference to which there seems to be any real difficulty? When they meet to receive the report of the solicitors upon an application for indefeasible title under the Act, when the title is simple and pure, the solicitors state that the title is free from all difficulty, and say they recommend that it be passed under section 16, which section states that the certificate of title is to issue forthwith. There are three sections in the Act dividing titles into different classes. The certificate of title is immediately drafted on the report of the solicitors.

77. The Board adopt the report and do not go into an examination, in those cases with regard to which it is reported no doubt exists? No. When a title has been dealt with at all, the solicitors certify that, search having been made, we find the applicant to be entitled to this property, and there is nothing outstanding affecting it. It is put under section 17, which requires advertisement, because the land has been dealt with since it was granted from the Crown. The Board advertises the title for one month. Again, the solicitors may point out that such and such an instrument relating to the title is missing—some power of attorney, for instance, under which the land was sold by a previous proprietor. An affidavit verifying the recital of such power of attorney in the deed in this part is put in, or a copy is verified by the solicitor who drew it, and we recommend the title to be passed. That, being an exceptional case, would come under clause 18. These difficulties and irregularities, and technical defects in the documents, will vary in all sorts and degrees. The solicitors point out the nature of the defects, and the extent, and state to what extent it may affect the title, and what probabilities and possibility of latent claims against the land exist. The Board never think of passing a title which the solicitor tells them should not be passed, although cases have occurred where the solicitors have said that, notwithstanding the defective nature of the evidence, the Board may pass the title. There have been cases where the Board has said, we will not pass it, there being great risk. The persons on the Board have been old bank directors, who, when they see the names of persons who have not been honest in their dealings, and find the solicitors pointing out defects, whilst the evidence is not clear, they take both matters into consideration, and will not grant the title.

78. Of how many members does the Board consist? Of three.

79. How are they remunerated? They are remunerated by fees paid by the applicants, and varying according to the value of the land to be dealt with. When the value does not exceed £100 the fees are 5s., and they go as high as 20s. when the value exceeds £300; that is the maximum. The sittings do not usually occupy above four hours in the week. We have averaged about twenty cases per week for the last year.

80. What has been the average income of the Board? About £250 a year. The Registrar gets nothing.

81. He is there *ex officio*? Yes.

82. Does he communicate with or interfere in any way with the solicitors, or does he take his

R. R. Torrens, Esq. his seat at the Board without knowing what matters are to be brought before it by the solicitors? There is no rule by which the solicitors should retain information from the Registrar, and frequently, when a doubtful case is to be brought forward, they may speak to him concerning it, prior to the sitting of the Board.

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83. It is not a matter of administrative arrangement that they should do so? No.

84. Are they not officers in your department? They are, but they are also officers of the Board. So far as regards the investigation of titles, and their report to the Board, I consider that they are under the Board; but that is only about half their work. They have to investigate about twenty titles a week; that is fair work for a week. The remaining half of their duties is to draft certificates of titles, which none but a skilled conveyancer should be allowed to do. If they are not concise and properly worded the most serious consequences might ensue. They should show roads, mineral reserves, and anything whatever that may affect the title to the land. There may be dower, judgments, or other matters affecting it. A proper description has to be made in words, and a diagram of the boundaries given; this is, therefore, a matter not to be entrusted to any but persons of high standing in their profession. Another duty is the revising and comparing all instruments brought in for registration; they are all in duplicate, and the solicitors see that they are in proper order. They have a clerk to assist them. The certificates are engrossed from the original in duplicate; these certificates are signed by the Registrar, but I should not sign them unless I saw their initials attached, to indicate that final search had been made by the solicitors.

85. Will you state to the Committee who form the Board in South Australia? The Registrar General is *ex officio* Chairman; there is Mr. George Young, a bank director and merchant, and Mr. Brown, Manager of the South Australian Company. Their capacity is more like that of a Comptroller of Customs, and prevents the Registrar from being influenced by favouritism or anything of that kind.

86. Have they a secretary? No; there is very little writing, and that I do.

87. Unless the solicitors raise a doubt, the titles are passed as of course? Yes; the Board never investigate a title.

88. *By Mr. Dick:* The solicitors advise, and the Board determine the extent of advertisement? Yes.

89. *By the Chairman:* You have no difficulty, I suppose, in getting meetings of this kind regularly and punctually? No; two form a quorum, and we adjust the hours of meeting to suit our mutual convenience.

90. If a member be absent are the fees divided as if he had been present? Yes; these fees do not go into the general revenue, but are divided between two members of the Board. No doubt they have so arranged it between themselves. The Board is not paid by the Government but by the public, and these gentlemen do just what they like with the fund.

91. *By Mr. Holt:* The Board act almost the same as a purchaser would do—they hear objections if any are raised, and if not valid come to a decision that the title is good, and accept it just as a purchaser of the estate? Just as a purchaser under the advice of his solicitor.

92. *By the Chairman:* Will you be kind enough to proceed with your remarks upon the Bill? With regard to the fees in section 48, I think the minimum mentioned is £2; that is about our maximum—that we find sufficient to meet all expenses.

93. What are your fees in South Australia? Our fees vary. The only fee that has the *ad valorem* principle in it is the fee of the Commissioners, and that only goes to the extent of £1; the other fees are not based on the *ad valorem* principle, but as a remuneration for work performed. As it would cost as much to transfer one acre as forty acres, I think a sliding scale would be prohibitory; it would be such a tremendous tax upon the applicant.

94. You propose then one sum for all titles? It would be fairer.

95. And what do you think would be sufficient? Where the title is a land grant the labour is small and simple.

96. You object to the *ad valorem* principle? Yes; the amount should be in proportion to the work to be done, and not to the value of the land; land worth half a million of money might not entail more labour than land worth £10.

97. How is this matter determined with you? We have two fees when land is brought under the Act. When the title is clear and the grant has not been dealt with, and the value of the land not exceeding £100, the fee is 5s.; indeed it is only 5s. in any case. The first fee is the Commissioner's fee—for every application to bring land under the Act, 5s.; for every certificate of title, 20s. This also is paid, but it does not much more than cover the cost of drafting the certificate by a skilled conveyancer and a professional man, and engrossing it twice on parchment, with a diagram which itself is not drawn generally for less than 15s.

98. *By Mr. Faucett:* You object to the *ad valorem* principle introduced in clause 48? Yes.

99. Now I find in your list of fees—"For bringing land under the provisions of this Act (over and above the cost of all advertisements herein prescribed to be in such cases published) the following fees are payable for the performance of the several acts matters and things herein specified:—When the title consists of a grant dated on or subsequent to the 1st March 1842 and none of the land included therein has been dealt with fee 2s.—when the title is of any other description and the value exceeds £300 fee £1—ditto ditto ditto exceeds £200 and does not exceed £300 fee 15s.—ditto ditto ditto exceeds £100 and does not exceed £200 fee 10s.—ditto ditto ditto when the value does not exceed £100 fee 5s."—Is not that like the *ad valorem* principle? My remark applies to where the fees go to the general revenue, and not to the Commissioners.

100. The question is, whether the principle of an *ad valorem* charge should be admitted at all: if it is admitted with regard to the fees of the Commissioners, you introduce the principle? It is allowed then where the properties are of very small value.

101.

101.

101. Then you admit it with regard to this particular kind of property, although you object to the principle? I think I can admit it with regard to these gentlemen, who must be paid for each case a sufficient sum to remunerate them, but the other is spread over the entire work, and is limited to £1. I can admit it to that extent.

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102. It is a question of principle whether *ad valorem* charges should be admitted at all; you allow it to be paid to the Commissioners for something more than labour; they are paid by an *ad valorem* charge because the property is of more or less value? They are paid for labour, and more in one case than another, in order to facilitate the work for poor people.

103. *By the Chairman:* You adopt the principle also with regard to the land brokers? You will observe that it is just the same position; wherever the Government get the fees there is no such principle; the land brokers get the fees as professional men.

104. *By Mr. Faucett:* Would it not assist the Government in paying the officers of the establishment if they made an *ad valorem* charge in the same manner as is adopted with regard to the Commissioners and brokers? I think that if the Government charges were carried to that extent it would be prohibitory.

105. There is in fact no principle in question—it is a mere matter of practice? I am opposed to the introduction of the *ad valorem* principle, and I hold that the remuneration should be in proportion to the labour entailed, and not in proportion to the value of the property. It is not to be supposed that the South Australian Act has been passed just as I wanted it. I would not have had the *ad valorem* principle in it at all if I had had sufficient influence to prevent it.

106. Are you aware that in general, attorneys with large practice have expressed a desire to make their charges in all cases *ad valorem* charges, and to have no other? I have heard some attorneys say so. I am only expressing my own opinion. I only say I think all labour should be remunerated according to the extent of it.

107. *By Mr. Holt:* For labour only; but if responsibility is attached to it that alters the case? Yes. I may state that the English Commission upon the Registration of Titles recommend that the barristers and attorneys should be paid by *ad valorem* fee, on the assumption, I presume, that they are not being paid for labour only, but for responsibility also.

108. *By the Chairman:* While upon the subject of costs and fees, may I ask how your scale of fees operates; sometimes the charges amount to a large sum; can you state whether the amount would not be very large in some cases of title? Oh! no, never; each thing is charged by itself; for instance, a release of mortgage is 5s., so much for that and it is done with.

109. You say the charge is to be for work performed; surely 10s. for entering a notice of a marriage or death is dear? There are inquiries made in addition.

110. *By Mr. Faucett:* What inquiries can be made as to the entry of a death or marriage? We get the certificate of the death or marriage, and it must be verified.

111. Is it not possible that all these fees may be chargeable in one case? Quite impossible.

112. Why? The first fee is for an application to bring land under the Act—that can only occur *once*. Then there is a fee for certificate of title, that can only occur *once*; and the same with regard to most of the things to be done where fees are chargeable. Take a property, a land grant, no matter what the value. The applicant will first have to pay a fee of 2s. to go to the Commissioner; then a fee of 5s. for the application, to go to the Government; then the insurance fee of $\frac{1}{2}$ d. in the pound *ad valorem*. These are separate things, and the money will not be taken from him if the title be rejected, as there will be no certificate or insurance fee; but when the case goes right through he gets his certificate of title, which costs £1; and that, with the application and Commissioner's fee, makes up a total of £1 7s.

113. That is what he has to pay in case of a grant; now take an involved title? When the title is of any other description, and the value exceeds £200, the maximum amount of fees would be £2 5s., with $\frac{1}{2}$ d. in the pound for insurance.

114. *By Mr. Holt:* What would be the amount in case of a clear title? £1 7s.

115. The total amount of charges in case of an undisputed title is £1 7s., independent of the insurance fee? Yes.

116. In case of a disputed title the charges would be £2 5s. Yes.

117. Is there any charge for "attending and requesting to be furnished with abstract"? No, we scarcely ever have abstracts.

118. Are there any charges for "drawing up requisitions" to Societies who, as lenders of money, may be holders of deeds, or for "attending the same," and "giving receipts"? No charges whatever are made but those I have specified; but land brokers, so implied in those charges, are limited to scale at the end of Handbook of the Real Property Act, and their charges are according to the value of the property.

119. That does not affect the working of this system at all? Under this system every man can do his own work if he likes, but those who cannot read and write employ the brokers. The charges set down in that scale may be made by the broker.

120. *By the Chairman:* Or by an attorney? Yes.

121. *By Mr. Holt:* Supposing an attorney has been employed to bring an estate within the Court, an attorney will never be necessarily employed in making further transfers or incumbrances? If the people wish to employ an attorney they can do so, after an estate is brought under the Act.

122. But does it ever happen? I do not say never, because some people are in the hands of solicitors, and dare not bring their land under the Act.

123. But when once it was brought under the Act, none would then employ a solicitor? Perhaps on account of their having borrowed money they are in the hands of a solicitor, and being indebted to him, dare not budge without his consent; but no man that is free from

R. B. Torrens, Esq. liability of that kind need ever employ a solicitor, any more than you would employ a solicitor to write cheques.

17 July, 1862. 124. *By the Chairman:* With regard to the insurance fee—do you find $\frac{1}{2}$ d. in the pound needlessly large—would not $\frac{1}{4}$ d. meet all requirements? We have never had any claim on it.

125. Has it accumulated to any extent? The present amount is $\frac{1}{2}$ d. in the pound upon about two million.

126. And the demand? No demand has been made as yet. That is the value of the land that has been brought under the Act; the insurance fees are paid upon that. With regard to a mortgage, there is no other charge than 10s. for the registration, and 5s. for releasing the mortgage; there can be no other charge for that transaction. In case of a transfer of mortgage there can be only a charge of 5s. The thing is made barely to pay itself. I do not think 5s. is too large a fee for this business, but we cannot go into hair splitting in these matters; we adjust it sufficiently to serve all practical purposes. The result of these fees, I would state, is this—that we have got now nearly half the whole of the conveyancing business of South Australia under this system, and the fees will just about pay the expenses of the office.

127. Not more? Not this year. When we get the other half of the conveyancing it will be clear profit, because the officers have to be paid for the less amount of work as much as for the greater. I could, without serious increase of the staff, do nearly double the business; it would be simply to give out some of the engrossing, which would be done at so much per folio. This would not require an increased expenditure larger than £300 or £400. The cost of the department is about £3,500 a year.

128. Does your department also do all the duties attached to the office of Registrar General? Yes, and this is an immense advantage. We have the old deeds and clerks accustomed to search, which gives us great facilities, and as business increases under the new system it decreases under the old one; the clerks that can thus be spared from the old side going over to the new system. Then again, when we have more business in one branch than another, I have certain officers who, not being, like some others, confined to one department, can be engaged in any kind of business that comes in.

129. Have you the statistical branch of the registration department? No, the statistics are managed in the Chief Secretary's Office, by Mr. Boothby.

130. Then the Colonial Secretary manages the statistics, and the registration of births marriages and deaths besides, whilst you have the registration of deeds? Yes, the registration of deeds under the Real Property Act.

131. I want to know how the fees work, and what has been the largest total amount charged in any one case? The highest amount for the transfer of a mortgage or lease is 5s.

132. *By Mr. Faucett:* Can you tell me, as a matter of fact, what is the highest charge that has been made in any one case, including the first application, and all proceedings until the final issue of the case? That is, as I have already stated, 45s.

133. In any case? Yes.

134. No matter how complicated? However complicated.

135. And includes all registration and other charges? Yes.

136. Does it include the charges for advertising? No, that is a separate charge; it is £1. We have a contract with the newspapers to take them all round for £1 each. This is divided amongst five newspapers—the *Government Gazette*, two weeklies, and two dailies—and are published twice a week. These advertisements are paid for a single publication in successive weeks, but the newspapers insert them as much oftener as they please without extra cost. There is a German paper in which the advertisements are published, for the benefit of that portion of the population. For the publication in these five papers the whole charge is 20s.; that added to the other charges makes a maximum of £3 5s.

137. In addition to the transactions for which that £3 5s. is charged, is there any work connected with the business that is done by the applicant himself, or by the applicant's attorney out of the office, which either gives trouble to himself or entails cost if done by his attorney? There is the filling up of the application form, which of course occasions some writing. Applicants go into the office and ask for instructions, which they copy, and put their own names to the applications which they fill up.

138. Is there any preparation made by the attorneys or professional men, with respect to the preliminaries of the transaction, previous to bringing it into the office? The mode of procedure is this:—The intending applicant says, "I want my deeds registered," and he brings his box of deeds into the office, sits down, and writes his application for the lands to be brought under the Act.

139. He places his box of deeds in your office, and nothing more? I do not say so. He sits down and writes an application for all those properties, as many as may be required to be brought under the Act. He may only wish to include one in the application—he may not wish to bring the whole under the Act—and he would then take away the rest with his box.

140. Solicitors, then, make no examination or investigation of the deed previous to its being brought into your office? In ninety-five cases out of a hundred no solicitor is employed.

141. *By Mr. Holt:* You have solicitors who investigate the title? For the Crown; and the applicant hands in all the evidence he has got. If necessary, the solicitors seek from them further evidence. A case of this kind may arise:—A person may claim as heir-at-law, and want affidavits of the marriage of his father and mother, and to prove that he is the eldest son. There are printed forms of affidavits, and sometimes solicitors are employed to draw them up, and then the applicant has to go before a Justice of the Peace to swear the affidavit. Sometimes marriages may have taken place in Scotland, Ireland, or Germany, and we have to make investigations that occasion considerable delay in the proceedings; but this

this is done by solicitors paid by the Government, as any other solicitor contending for a client would be led to put the best face upon a bad case, therefore we do not require their services at all; we only require that the exact aspect of a case should be that which it should wear.

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142. *By the Chairman*: Do you think the insurance fee should be $\frac{1}{4}$ d. instead of $\frac{1}{2}$ d.? I think it should be $\frac{1}{4}$ d. at first.

143. *By Mr. Faucett*: Do you not think it a better course, in the commencement of a system of this kind, to begin with charges that would rather be too high than somewhat too low? No. If we commence with charges too high, it would perhaps deter persons from coming under the system. I would rather commence with charges too low, as it would be likely to bring more grist to the mill.

144. But if the fees were found to be in excess would it not be more easy to reduce them, than to increase them if they were found too low? I think not. The measure has become so popular with those who have had any experience of it, that if it were found necessary to double the fees the charge would be paid without a murmur.

145. *By the Chairman*: Now, I suppose, you will proceed to the Land Transfer and Registry Act—what is the first clause upon which you have any observations to make? I see in clause 13 it says—“Every such land certificate shall be *prima facie* evidence of the several matters therein contained,” and the 14th clause says—“If any land certificate is lost mislaid or destroyed the Court may upon being satisfied of the fact of such loss mislaying or destruction direct a new land certificate to be granted in the place of the former one.” Then in the 16th clause it says—“The deposit of any land certificate shall for the purpose of creating a lien on the land described therein be deemed equivalent to a deposit of the title deeds of the land.” Now the land certificate is made only *prima facie*, not conclusive evidence. With us another certificate may be issued upon representation of the loss of the former one. No doubt there is room for fraud, and the money-lender may run great risk.

146. *By Mr. Holt*: But for 5s. he may get the loan registered? Under the South Australian Act, and we also would give a certificate; but I would suggest that it should be advertised, so as to call the attention of the money-lender to the circumstance. It has occurred not only under the South Australian Act, but under the old Act, that persons have lent money on deeds, and have been defrauded.

147. *By the Chairman*: Is the copy of the Act produced the one you recommend for adoption here? With the addition that the Registrar should be made a party to evidence the execution of instruments. By this means we find great facility for selling land; although the land be not in South Australia it is dealt with with the greatest ease.

148. *By Mr. Holt*: With respect to the deposit of the land receipt, do you deem it advisable to have a clause providing that for 10s. perfect security can be given? I do not think it need be put there, because practical people would do it without such a provision; it is a security if you hold an instrument of title, and it is impossible to divest yourself of the property unless it is handed to the Registrar. It is security to those who lend money. There is this difference, that merchants and others get cash credits from banks for fluctuating amounts. We have mortgages of that kind, but more usually not. The National Bank takes mortgages, and the Manager comes to us and does the business. He acknowledges himself to be indebted for such sum as may appear upon the balance of the account between the parties. The merchant may not wish it to be known that he had mortgaged his property, and the banker, without showing it to any one, can take the mortgage, lock it up as security, and give his cash credit without risk. If the mortgagor becomes insolvent, the banker walks down to the office and registers the mortgage.

149. With respect to lost deeds, might not fraud be perpetrated if the borrower were allowed to pledge his deeds as good security, and the Registrar General gives a duplicate certificate? Fraud is possible; but by the advertisement in the paper, calling attention to the fact, a great check is put upon it. The persons who deal in that way are generally bankers, whose special business it is to read advertisements in newspapers. That being known to persons in the habit of advancing money, they generally look out for it. However, fraud is still possible.

150. It is presumed that they read the whole of the newspapers; but it is possible that, from illness or absence from home, they might not do so, and thus be defrauded; and in order to save the small sum of 10s. I think it is not necessary? It is to prevent that prejudice to the borrower's interest which attaches to the publicity given to a mortgage; that is the reason.

151. *By Mr. Faucett*: It comes to this—that men may, by these private mortgages, get into debt and perpetrate fraud to a large amount? The same can be done now.

152. *By Mr. Holt*: Are you not aware that in Hamburg publicity is made essential with regard to all transfers of and securities on land? It is a question that admits of considerable argument. I once entertained the same views, but, after great consideration, have changed them. In a mercantile community I think this facility for obtaining advances is of great importance. It was adopted by the South Australian Parliament, but with additional precautions as to affidavits. In England, I observe, it is spoken of by the Commission as a great advantage, and that no measure would be acceptable that precluded the possibility of these public accommodations.

153. Allow me to call attention to a clause in the Remarks on the Title by Registration Act in operation in the Hanse Towns, and other States of Germany:—“Publicity, essential to these charges in Hamburg and all the Hanse Towns, is quite unknown in hypothekes properly so called, *i.e.*, by the Roman law; the civilians of the Imperial Courts, however, conferred this new name on the clever contrivance of their commercial clients; but the clients soon found, with dismay, that the new name covered an attempt to set up the validity of secret securities in Hamburg too; this, therefore, the citizens promptly resisted, by passing, in their Statute Book of A.D., 1605, provisions unmistakably pro-
“tecting

R. B. Torrens, Esq. "testing their ancient policy in that respect. The most important one we have already
17 July, 1862. "quoted. Thus, secret charges on land have never been allowed, in Hamburg, to take any
"precedence;—and so in all the Hanse Towns"? In England, and in this Colony, the habit
and use, in that practice, of giving credit is so formally established, that I apprehend any
attempt to alter it would receive considerable hostility among the mercantile classes. It
works well in South Australia.

154. *By Mr. Faucett*: Does not this occur under that system in South Australia—that you have incumbrances upon land that may be equitable that are not disclosed in the registration office? No, they are not incumbrances.

155. Surely you would call the lodging of a certificate with a merchant as security for land or money—without actually transferring it to him, but merely making a lodgment—a charge upon the land. It is a charge that we would call equitable upon the land—this is not disclosed in the Registration Office? It could not affect a purchaser or mortgagee.

156. But it is not disclosed? No, there is no occasion to disclose it, for this reason, that no dealing can take place without the production of the instrument, and the registry book shows that there is nothing affecting that as for purchaser or mortgagee. We have a reference, of course, in speaking of this, to the circumstances of the case. Nothing can affect the land so as to prejudice or concern the person about to buy or lend money without its appearing.

157. What appears in the Registration Office will show the exact state of the title to the purchaser? So far as he is concerned.

158. A man could acquire the title from the books in the Registration Office if the certificate be lodged in that way as security? No. When dealings take place, the purchaser gets from the vendor a memorandum, and also a certificate of title, and brings both into the office.

159. *By Mr. Holt*: Would you grant a duplicate of a certificate if affidavit were made that a certificate was mislaid or could not be found? We would upon affidavits, and after advertisement, and considerable delay and publicity. The affidavit would aver that he had not deposited it as security for money borrowed.

160. Would you not require security in that case—the owner may have pledged it with the banks, where it may lay forgotten, and might then sell the land, leave the country, and the Government would be responsible? The parties holding the certificate could do nothing with it; it is of no use to them; they must either drive the man into the Insolvent Court, and through that process get hold of the property, or register some instrument signed by him.

161. Then why allow it to be pledged? They cannot prevent the man from divesting himself of the property.

162. They naturally look to realize the securities; they then find that the man has obtained a duplicate certificate, sold the land, and left the country; would not the Government then be liable? No.

163. Not if they allowed him to pledge the certificate? He is not allowed; we do not recognize it; but we give to the bank a means of protecting itself by lodging a caveat. The banker comes down to the office and signs a paper, certifying, "I forbid the registration of any dealings whatever with the lands so described in vol. 7, folio 13." Then a number is put upon that, it is filed in the office, and the title to which the certificate refers is marked with a red cross. A notice is then sent to the owner of the land, stating that such a caveat has been lodged against his dealing with the land. The caveat runs thus:—"I forbid, until fourteen days notice be given of intent to register, any dealings with this land." Then a description is given of the land on which the money is borrowed.

164. *By Mr. Faucett*: Do you not attach too much weight to this certificate, it being merely an evidence of the title given to the holder; is not the title disclosed on the registration books? There is no distinction, for this reason, that the registry book is the certificate of title, and the certificate a duplicate of the registry book, one being in the hands of the person holding the land, the other in the registry book, one a counterpart of the other.

165. Then do you not attach too much importance to this certificate in the hands of the owner, for as long as the certificate remains on your books, where the title appears, it cannot be disturbed without disturbing the certificate? Of course not; because one must be a duplicate of the other; that is the only certificate and sole evidence of the title. They are, however, both certificates, one as much as the other; it is an instrument in duplicate.

166. *By Mr. Holt*: You issue a duplicate certificate? Under certain conditions. The occasion upon which it was granted would be put upon it. But the caveat gives the banker an opportunity of protecting himself if he chooses to do so; if he chooses not to do so, he takes the risk at his own judgment.

167. *By Mr. Dick*: Is there not a penalty for lodging a caveat without reason? There is.

168. *By Mr. Holt*: It is merely for the banker to come down to the Registry Office, the caveat is lodged, and the public could hardly be aware of it? If they made search they would see a red cross on the title entered in the registry book. They could not take the title, because the caveat already barred it. To return to the Transfer and Registry Act. The 11th clause states—"The Land Registrar on delivery to him within thirty days after its date of any grant of land hereafter made by the Crown to any person or of any order making a final declaration of title by the Court in favour of any person shall enter the name description and residence of such person on the register as proprietor of the land describing such land by the description contained in the grant or order and shall also enter notice of any incumbrance reservation or other matter mentioned in such order." And the 18th clause refers to the registration, and provides that "the registration as proprietor of land of any person as aforesaid shall confer on him an indefeasible estate in

"fee

"fee simple subject to the incumbrances reservations and other matters if any entered on the register," &c. And there is another clause which forbids any registration of any instrument of land under this Act, except in accordance with this Act. Suppose that, from any circumstance, which frequently occurs, in South Australia at least, delivery does not take place within thirty days, the party cannot deal with the land at all; the Registrar cannot register after thirty days, and the party cannot deal under the old law. I think that is a serious affair, and I think the clause may be struck out.

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169. *By Mr. Faucett:* Leaving it optional for the grantee to register or not? He should not be prohibited from registering at any time. Striking out the words "within thirty days after its date" would meet the objection. The third section of the 17th clause says—"Leases or agreements for leases for any term not exceeding twenty-one years or for any less estate in cases where there is an occupation under such leases or agreements and all registered lands shall unless the contrary is expressed on the register be deemed to be subject to such of the above charges and interests as may be for the time being subsisting thereon." These are declared not to be incumbrances within the meaning of the Act. A person going to deal need not have this disclosed upon the register or certificate of title. The great object, I presume, is the easy and cheap convertibility of land. If a purchaser is obliged to make these inquiries, they will probably be made through a solicitor, so that the great object would be lost. A lease for twenty or twenty-one years is a serious affair for the consideration of a purchaser, and it ought to appear, I conceive, upon the certificate, indeed all leases exceeding a term of three years.

170. *By the Chairman:* You think the term is too long? Yes.

171. *By Mr. Faucett:* Do you not think it might fairly be left to the purchaser? Yes, but I think there is an object in view—to render the dealing in land as easy, cheap, and rapid as dealing with property in the funds, or shipping. Anything that militates against that is to be avoided, and I think this does:—Two men, 500 miles in the bush, might arrange for the sale and purchase of a piece of land, and settle the bargain, but before it was concluded search would have to be made in the Registry Office, as to leases, and to see what the occupancy was under the leases.

172. You refer to the lodging a certificate with a banker for security, and then talk of making a purchase 500 miles in the bush; how would the purchaser know of such a lodgment? The purchase could not be made, because the certificate could not be handed over to the purchaser.

173. *By Mr. Smart:* Your objection to clause 17 would be met by striking out the word "twenty," and putting the word "three" in its place? Yes.

174. *By Mr. Holt:* Leases of three years may seriously injure the property? On the other hand, you may wish to occupy yourself as the purchaser and yet find a tenant in it for twenty-one years.

175. *By the Chairman:* Have you any provision of this kind in your Act? Yes, it is three years with us. No lease exceeding three years, unless registered, has any validity with us. This clause 17 we have not at all; we show everything in the certificate. I should propose to strike out the 17th clause altogether, but do not wish to make any objection that is not a serious one. The right of water in a country like Australia, is often of more value than the land. It does not do to copy too closely an English Act. I have an objection to the 18th clause, which is rather a serious one—"The registration as proprietor of land of any person as aforesaid"—(There is no other registration referred to in the 12th clause)—"which shall confer on him an indefeasible estate in fee simple." It appears that according to the 11th clause, which has reference to the previous Bill, that "The Land Registrar shall on delivery to him within thirty days after its date of any grant of land hereafter made by the Crown to any person or of any order making a final declaration of title by the Court in favour of any person shall enter the name description and residence of such person on the register as proprietor of the land describing such land by the description contained in the grant," &c. In referring to the other Bill, we find, from the first section,—"That every person entitled for his own benefit to any freehold estate in land and having the power of absolutely disposing thereof for his own benefit may apply to the Land Titles Court hereinafter constituted and styled 'the Court' for a declaration that he has established his title to such land"—that is, to a freehold estate in the land; but it may be a tenancy for life, or a lease. He gets a final declaration, and the Registrar enters his name, in accordance with the 11th clause, in the registry book. As registered proprietor, he can convert his life interest in the property into an indefeasible estate in fee simple, but then he may only have a tenancy or be a leaseholder. There is no provision for transferring leases, mortgaging or surrendering leases; there is no provision for a tenant for life raising money upon his interest such as it is, or for remainderman reversioner or other than an owner in fee simple parting with his interest. This Act is to be considered as affording facilities, as far as it goes, simply to persons owning land in fee simple, who desire to sell it or to raise money by mortgage; it affords no facilities to the owner in fee simple who desires to retain it in his family by settlement or otherwise, or to lease it to his tenants and live upon it in that way; he gains no advantage by the Act. Again, where there are persons with entailed estates, the tenants for life under them could not bring their property under this Act. The tenant has power to grant leases of the land, but could not raise money upon it under this Act. Then take the position of a lessee under him. A man will build upon a thirty years lease, but has no advantage under this Act; he would have to call into requisition the labours and expense of the old law, if he wants to transfer it to his neighbour; he is excluded from anything like benefit under this Act. Suppose he takes a lease of the ground at a rent of £10 a year, and puts upon it a building worth £5,000, he cannot mortgage it under this Act; there is no provision under which he can deal. These objections arise from that. The provisions in this respect

require

R. R. Torrens, Esq. require to be remodelled, unless the Act is to apply only to persons holding in fee simple who want to sell. This measure is defective beyond that.

17 July, 1862. *By Mr. Holt*: The South Australian Act embraces everything of that kind? The owner of any interest in land can deal with it, whether fee simple, life estate, lease for five years, mortgage, annuity, reversion, tenancy for life, tenancy by the courtesy, or any other interest. He can do everything with regard to such interests that he can do under the old law, with greater facility, in a very short time, and with small expense, without employing other people. That is the difference between the two Bills. This Bill, too, would be costly and expensive; that is the greatest objection I have to it.

177. *By Mr. Faulcett*: Do I understand your objection to be,—that this Bill refers merely to the registration of owners of land in fee simple, although that estate may be subject to what are called incumbrances, and does not refer to the registration of smaller estates, or enable the holders of small estates to register under the Act? It does not facilitate their dealings in the interests they hold. There is no clause to say what is intended by registration, unless this may be gathered from these clauses—the 11th and 18th. There are no provisions in the Act, to enable the owner of a life estate, a reversioner, remainderman, or lessee, either to transfer, mortgage, surrender, or in any way deal with the land; nor are there any provisions to enable the owner in fee simple to lease his land. He can lodge caveats and bring actions, but is left otherwise precisely in the same state as he would be under the old law. All the applications, expenses, and tedious processes, are left with him still; he gets no help at all. The 19th clause says—“When upon the first registration of the land any notice of incumbrance affecting such land has been entered in the register the Court shall on proof of the discharge of such incumbrance direct the Land Registrar to enter a memorandum.” This Court would not only incur a useless expense, but would encumber procedure under the Act. Why should the Court intervene in matters of simple routine of that kind?—it must be approached through a solicitor, and we know how Courts are moved. This discharge is a simple receipt for money, and why should a Court be called in at all, causing unnecessary expense and delay? The 20th clause says—“The registered proprietor of any land may subject to any incumbrances appearing on the register in manner hereinafter mentioned charge the same with the payment at a prescribed time of any principal sum of money either with or without interest or with the payment of any annual sum of money.” The fee simple estate can only be charged according to the 18th clause, which prescribes what is a registered proprietor. The 21st clause says—“The instrument of charge shall be in writing under the hand of the registered proprietor in the form contained in the first schedule hereto and attested by a solicitor of the Supreme Court as a witness.” The aim of such a measure as this is, I apprehend, to render dealings in land as cheap, as easy, and as rapid, as dealings in shipping or in the funds, and why should a solicitor of the Supreme Court be feed simply to witness a man's signature?—you do not want a solicitor to witness a three months bill. Or if you had the “Great Eastern” here, you could go down to the Custom House, and by filling up a printed form, take up shares, and would not want a solicitor as a witness to the sale, even of that enormous estate; you might transfer the whole in about fifteen minutes. Having abolished the system of conveyancing, why legislate so that the public will get no benefit by it, and so that the costs of solicitors will be retained? This English Bill is drafted by Sir Hugh Cairns; I do not impute motives, but such is the effect of it.

178. Might not the reason for introducing the necessity of having a solicitor to attest a deed be in order to require the attestation of some person being an officer of the Court? This is a solicitor of the Supreme Court.

179. He is an officer of the Court, and might not that have been the reason for introducing him as a necessary witness, so as to secure the attestation of some person over whom the Court had control? I cannot say.

180. I can see why the mere signature of a man binding himself to pay money should not be quite sufficient without attestation by a witness? To refer again to the Act,—a solicitor of the Supreme Court is called in in no other case; a mortgagee is not a registered proprietor, and does get an indefeasible estate. The certificate is to be upon the mortgage, which is in duplicate; there is a difference in the procedure. Here you take in the mortgage instrument, and keep it, giving a certificate. We have the mortgage instrument in duplicate, and indorse it upon both the certificates, give the mortgagee one copy and keep the other. This is an original document, with the signature of the mortgagor upon it.

181. *By Mr. Holt*: The first mortgage of course takes priority? The first mortgage registered.

182. Do you think it advisable to provide for the transfer of mortgages? Yes; by simply writing your name to it in this registry, the transfer is as easy as that of Exchequer bills; that is, with persons who already know the value of the land.

183. In Hamburg and Prussia mortgages remain as a permanency. A mortgage in 1641 continues to this day, and there are others of a like kind; but if the mortgagor pays off his mortgage the second does not take priority in Hamburg—Does the same rule apply in South Australia? We have been afraid to ask the people, by bringing forward all the collateral advantages of this measure; we do not wish to have too much under view at a time. The hypothek system, upon which that matter is based, will no doubt be adopted shortly, but to go into it at once is next to impossible. People will not believe in all the collateral benefits under this reform; they will hardly credit it. They have only half of them at present before them to digest. By the English Act, instead of releasing the mortgage it can be taken from the mortgagee; then you get your priority. The mortgagee says—“Instead of taking a release, I would ask you to transfer the mortgage.” Then the second would not take priority.

184. The mere transfer from the mortgagee to the mortgagor does not give the second mortgage

mortgage priority? No. To proceed with the Bill:—The 22nd clause says—“Every such certificate of charge shall be *prima facie* evidence of the entry made on the register in respect of the matters mentioned in such certificate.” It has not the value on ‘Change of an Exchequer bill, unless you make it conclusive evidence. The 23rd clause provides that “The proprietor of a charge of a principal sum may enforce a foreclosure of the land charged in the same manner and under the same circumstances in and under which he might enforce the same if the charge were secured by a conveyance of the land to him with a proviso for redemption on payment of the money named at the prescribed day.” Now that foreclosure process is very expensive by the old system of English tenure and law. We have a very simple and inexpensive mode of foreclosure, of which Mr. Dick is the author, and which I described yesterday. It is infinitely superior to this.

185. *By the Chairman*: Is it in the Victorian Act? Yes. It is done simply upon the certificate of the auctioneer that he had advertised that so much money, less than the amount of mortgage, had been bid, after two public offers, and the mortgagee then takes the land. The 24th clause of your Bill says—“The proprietors of a charge under an instrument conferring a power of sale may at any time after the expiration of the prescribed period transfer the land on which he has a registered charge or any part thereof in the same manner as if he were a registered proprietor of such land.” That quite bears out what I said before. We could not have a registered charge for the proprietor of a life estate or leasehold. You cannot raise money under this Act upon such interests. I have nothing to remark upon clause 25.

WEDNESDAY, 23 JULY, 1862.

Present:—

MR. DICK,	|	MR. HART,
MR. FORSTER,	|	MR. HOLT,
MR. SMART.		

THE HON. CHARLES COWPER, ESQ., IN THE CHAIR.

Robert R. Torrens, Esq., called in and further examined:—

186. *By the Chairman*: Will you resume the subject where we left off yesterday? With respect to section 26—“No charge on land shall be registered unless the land certificate of such land is produced at the time of registration and it shall be the duty of the Land Registrar to record on the land certificate when produced notice of any charge created but any omission so to record the same shall not invalidate or affect the priority of any such charge.”—I would point out that there is no provision made for relaxing the stringency of that rule, and that great loss and inconvenience might arise by it, inasmuch as the mortgagor might be unable either to raise a second mortgage or to sell the land subject to that mortgage—what the lawyers call the equity of redemption—as the certificate of title will probably be in the hands of the mortgagee. Therefore, if this Bill be adhered to, it will be necessary to make some provision for relaxing the stringency of that rule.

187. Does your Bill make that provision? It does. I observe that, in the 29th section, the last line but one requires that the printed form for transferring land, which is a very simple matter, as shewn in the schedule, must be attested by a solicitor of the Supreme Court, as a witness to the execution by the transferor. Now there is no occasion for a professional man’s services, or putting the parties to an extra expense in a matter of that kind.

188. You make the same objection to that that you have done in other cases, as invoking the presence of a solicitor of the Supreme Court, which you think unnecessary? Quite unnecessary. The 31st clause necessitates the giving of notice to the transferor of the Registrar’s intention to complete the transfer. Now the transferor has already signed the form of transfer requiring the Registrar to give effect to the transfer; therefore this notice is altogether surplusage, and may be attended with very serious injuries. Some other person may step in and possibly get precedence of a charge, or the man may become insolvent. At all events, it retards the dispatch of business uselessly, and opposes the fulfilment of the great object we have in view, which is to render the transfer of land as expeditious and cheap as that of stock in the funds. It is a perfectly useless provision, and may be very injurious. With respect to the 33rd clause, I would observe that the greater portion of that clause is a repetition of a previous one; and these repetitions are occasioned simply by not defining once for all what the effect of a certificate of title shall be. It is a very lengthy recitation of the effect of a transfer, which we have had before in the case of the first entry on the register; I think it was in clause 18 before. If the effect of a certificate of title were once defined it would cover both; however, that is only a minor point.

189. Still you object to it? Yes, as unnecessary, and encumbering the Act. In the 34th clause—“A transfer of registered land in the like form as last aforesaid made without valuable consideration shall when registered confer on the proprietor to whom the same is made an estate in fee simple in the land transferred but subject as follows that is to say to the incumbrances if any appearing on the register also unless the contrary is expressed in the register to such charges and interests if any as are hereinbefore declared not to be incumbrances also to any unregistered estates rights or equities subject to which the transferor held the same but free from all other estates incumbrances and interests whatsoever including all estates claims and interests of Her Majesty Her Heirs and Successors.” There seems to be a distinction kept up between what are called volunteers and persons who acquire land

R. H. Torrens, land by purchase. There does not appear to be any reason for that, and it will certainly cause complexity. Under the system of registration of title, any transfer of land without valuable consideration, if it be fraudulent in such manner as to defraud creditors, or anything in that way, is immediately voidable upon proof of the fraud; that is a principle in the South Australian Act, and of course it would be in any Act; but to continue the system that at present exists under the old law, that is, that a person taking land without purchase—taking it as a gift, in fact—may be deprived of it by the transferor selling it again for value to anybody else, seems a useless thing, and may throw upon the purchaser from the volunteer the necessity of inquiring into the title of the volunteer, to see whether he got it for value, or whether he got it without value, as a defect in his own title. That is against the principle of our system, which is that everything shall appear on the register book, and also on the instrument evidencing the title of the vendor, so that the purchaser shall have no difficulty or doubts at all, but only to look at the papers and see what the state of the title is. If kept up, this will militate against the efficacy of the new system, and I have never been able to find any reason for keeping up such a system. I have spoken of it to many, but I have never found any one to give a valid reason for it. In the 35th clause the same objection arises about the employment of a solicitor, whenever a person requires to sign his name to a printed form of mortgage. Upon the 35th clause I would also remark, that it requires the Registrar to keep a separate register book for charges. Now the only effect of that will be to put the Government to the expense of employing extra officers to do the work, which will be thereby doubled, and it will not only not assist the procedure, but greatly complicate it, and increase the liability to error. The system of having but one folium opened for each property, in which that property is described clearly and definitely, and all subsequent dealings with it are recorded in the order in which they arise, is much more simple than having two separate books for recording separate sorts of dealings. Having two books will necessitate double indexes, and cause errors, from the liability of a clerk or the Registrar himself making an entry under the wrong folium. Everything that diminishes simplicity, and thereby increases the risk of making errors, should by all means be avoided; and this clause, so far from facilitating business, actually doubles the work.

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190. *By Mr. Holt:* You would only have one index? Only one index and one book. The object is to show in one page, if possible, and at all events in one folium, which may consist of two or three pages, everything that anybody about to acquire an interest in the land may require to know.

191. At one glance? At one glance. I may refer to a sample of the register book used in South Australia, which will be found at pages 21 to 23, in the Handy Book on the Real Property Act of South Australia, copies of which are, I believe, in possession of these Members of the Committee.

192. *By Mr. Hart:* Are you aware that certain returns are laid before Parliament annually, showing the number of absolute conveyances which are made, and also the number of mortgages, and the amount of them; and that, independently of any conveyancing measure, it is desirable to keep mortgages and conveyances separate, for purposes of reference? Similar returns are furnished to the South Australian Government, and we find the utmost facility in compiling them from one book, as I will explain afterwards. The facilitating the dealings of parties with landed properties is one thing, and the paramount object; the providing of statistics is another affair altogether; and I think it would be a great mistake to mar the effect of the more important object by endeavouring to facilitate the other. Nothing would be easier than for the officer who has to compile these statistics to jot down in a separate book kept for statistical purposes, the amount of the mortgages as they come in. We have to supply these returns, and we find no difficulty, although the number of mortgages in South Australia is enormous: there is scarcely a bit of land in the country not subject to a mortgage.

193. If you have to refer to other books in order to make these returns, the same objection would seem to apply to that as you now raise to having separate transfer books? I think not. The objection to which I understood allusion to be made is the risk of a clerk making an error. Now that risk arises from the possibility of his making an entry in the wrong folium of the book, and the consequences of it might be most serious. A person making search would not see that the property was charged; and again, in law it would not be charged, because under the system of registration of title what charges the land is not the signing of any document, it is the entry in the register book on the folium appropriated to the property dealt with, so that, in effect, in the case of such an error, the property would not be charged. Now that is a very great and very serious risk; but a mistake in the book kept for statistical purposes only would injure nobody, while the other might be destructive. I believe there would be much greater facility for the despatch of business in keeping a little memorandum book for statistical purposes, if the officer found it a convenience.

194. *By Mr. Holt:* That is, by compiling the statistics day by day, instead of having at the end of the half year to wade through the books? It is a very easy matter; I have done it thousands of times, and found no difficulty at all in it. An important matter of this kind should not be incumbered for any consideration. If, however, additional facilities for statistical purposes are wanted, what is easier than to keep a separate statistical book, and when a mortgage comes in to enter the number of the mortgage, the name of the party, and the amount in the cash column? and then all that has to be done at the end of the quarter, or whatever the time may be, is to add up the total. I should greatly prefer that to incumbering what we may call the legislation relating to the transfer and dealing with land. I think the statistical branch and the law branch should be kept altogether distinct and separate; we must not spoil one by seeking to convenience the other.

195. One, in fact, is the land book of the Colony—the doomsday book, as it were? Yes. In fact,

fact, it is exactly like the copyhold tenure, which is the simplest of all systems of conveyancing; but in England, unfortunately, copyholds have been incumbered with a vast deal of feudal incumbrances—heriots, rights of game, rights of timber cutting, and all sorts of things—which are very oppressive; and they are doing away with copyholds, although they are acknowledged by Lord Brougham and others to be the best and simplest tenures that can possibly be. The system now in force in South Australia scarcely differs from the old copyhold system of England, except in this respect, that it is free from all these feudal incumbrances and barbarisms.

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196. *By Mr. Hart:* Are the record books you speak of kept in duplicate? No, the duplicates are not kept in the office; they are in the hands of the proprietors of the interest.

197. *By Mr. Holt:* That insures greater security? Yes.

198. *By Mr. Hart:* Supposing these records were destroyed by fire, what security would there be for any titles passed under the Act? Greater security than owners of titles have in England, because, supposing the fire-proof room to be broken into by some extraordinary means, and a conflagration created inside of it, still every owner of any estate whatsoever, in any piece of land whatsoever, would have in his own possession a document signed and sealed under the authority of a recognized person evidencing his title, and there would be only one such instrument extant, so that no risk or injury could arise to the parties interested.

199. Mortgagors, for instance, would be in possession of their title deeds? They would.

200. What would they have to show that they had the equity of redemption? They would have the grant.

201. Are mortgagors allowed to hold the deeds although the land is mortgaged? Yes; that is a matter of arrangement between the mortgagor and mortgagee. The Germans in our Colony, who are numerous, never do take the land grant, or certificate of title, when they become mortgagees, because they are accustomed to the working of the system in their own country, and they know that the possession of the instrument is of no use to them, as they are in just as good a position to realize as if they had the certificate. But many of the English, who have not been accustomed to it, but who have been accustomed under the old system to hold custody of the title deeds representing the mortgaged estate, demand of the mortgagors the delivery up to them of the instrument of title. That puts the mortgagor in a position of disadvantage, because he may find a difficulty in creating a second mortgage, or in selling his land subject to the mortgage. It puts the mortgagor, in fact, in a position of disadvantage, without giving the mortgagee any advantage whatever.

202. Is it not a settled rule of law that a mortgagee may sit on his deeds, to use a familiar expression, until the amount of his mortgage money is paid? Yes; but we remove all these settled rules of law that interfere with the system; in fact we do away with the old feudal system and its complexities.

203. That is a principle of law? It is a principle of law which has arisen out of those ancient times. It is no principle of law in Germany, and is a perfectly useless principle of law under this system. Under that system it was a manifestly necessary principle, but under this it is a manifestly useless principle.

204. Does it not give rise to the opportunity of committing frauds, to allow a man who has mortgaged his property to hold possession of the title deeds? Not in the slightest degree. If a man mortgages his property, and holds the title deed, there is on the face of it a record that he has mortgaged it to so and so, for such an amount, redeemable at such a time; so that no person in possession of his senses can be deceived. I will exhibit here a copy of one of these certificates of title. I refer to page 23 of the Handy Book on the Real Property Act of South Australia. This certificate of title would be in the hands of the mortgagor, and you will observe that immediately under the certificate of title is the following notice:—
“Mortgage No. 8060, dated the 15th day of March, 1862, produced the same day at noon,
“from the above-named Archibald Boyd to William May, of Clare, farmer, principal sum
“secured, £500; date appointed for redemption, 15th March, 1863; rate of interest, £10
“per centum per annum, payable half yearly, on 15th days of September and March.
“Entered the 15th day of March, 1862, at noon.—W. B. T. A., Dep. Reg. General.”
I would observe that the word “Mortgage,” and the number, are put in large characters, in red ink, so that no mortgagor having that in his possession could by any possibility defraud any man who was not blind or an idiot, by representing himself to have an unincumbered estate. So it would be with a lease. If you follow it out, you will perceive that every lease is recorded in the same way. So that the possession of this document does not, in any shape, facilitate fraud, but quite the contrary.

205. One object of any measure for the simplification of transfers of title must be to protect the ignorant and unwary, instead of protecting those who are well acquainted with the laws of real property—is it not known to you that persons of a confiding nature, or ignorant persons, frequently lend money on the mere production of title deeds without looking into them at all, and if they have to go to any solicitor to inquire if there is a good title, one of the main objects of the measure would be defeated? In the first place, I would remark that, under the old law, the objection now raised fully applies, and I can state cases to show it which have come under my own knowledge. I will state one:—A solicitor had the deeds in his possession of a person who owned a public-house and a large estate on the Port Road. An officer in the Army sold his commission, and deposited the money in the hands of the solicitor, to be invested on mortgage. The solicitor drew up a mortgage of the property held under the title deeds alluded to, and forged the name of the owner as mortgagor. He continued to pay the interest for some years regularly, and at last by accident, the officer whose money was supposed to have been lent on the mortgage met the supposed mortgagor, and complimented him on the punctuality with which he

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paid his interest. The man laughed at him, and declared he had never mortgaged his property, and so the fraud was discovered. Now that could not have occurred under this system, for this reason, that the solicitor and the mortgager would have to come into the office to get the seal of the Registrar General, and to get the mortgage entered in the register book, where it must appear. So that, so far from facilitating fraud, it prevents it. Again, I cannot conceive any person so ignorant or so stupid as, on seeing such a document as I exhibit now—which in that case would be much clearer, for this is on a compressed scale—as not to become immediately aware, on looking at that document, with the great word “Mortgage” staring him in the face, what he was doing. If people will be so careless and blind, I believe no law on earth will protect them. All we can do is to afford such facilities as will enable all persons who transact their business with the most ordinary care to protect themselves against fraud. We must not, in order to render fraud impossible—which we never could do altogether—obstruct the free transmission of property.

206. *By Mr. Holt*: Are not great frauds likely to be perpetrated under the present system—is it not customary for persons selling land in subdivisions to retain the original deeds and give a covenant to produce, and is it not possible to pledge these deeds to persons who will not inquire, and get an advance on them much more easily than on the system now adopted in South Australia? Undoubtedly. It may even be done inadvertently, and without any fraudulent intent. I confess I did so once myself. I had a land grant of which I had sold nearly the whole, and as I was going to travel and wanted a letter of credit, I deposited all my title deeds with the bank, as well for my own sake as theirs, and amongst these was this grant, in respect of which the land I originally held under it was worth £5,000 or £6,000, but what I retained was not worth £200. That shows that under the old system a man might do inadvertently what under certain circumstances would be fraudulent, but under the South Australian system he could not do anything of the kind inadvertently or fraudulently, because he would be obliged to deliver up the certificate of title as soon as he parted with his interest in the land.

207. *By Mr. Hart*: If the party lending had searched, in the case you mention, would he not have discovered that there had been dealings with the property? In practice bankers do not search. These are only collateral securities, and the banker always looks to the credit of the man he is dealing with. Besides, there would be no search required under this system. You do not want to search if you have an instrument which discloses all that a search would show you.

208. *By Mr. Holt*: I would like to ask one question with respect to the extraordinary case supposed by Mr. Hart—the case of the record books being destroyed by fire. I have before me a Report upon Title by Registration in the Hanse Towns, in which the following passage occurs:—“In 1842”—I may mention that I was there fourteen days after the great fire—“In 1842, after the conflagration which had swept away nearly three parishes—the most ancient of all, St. Peter’s, St. Nicholas’, and part of St. James’, all of them most densely occupied—the building sites were re-adjusted and laid out anew, without almost any dispute as to boundaries being heard of. This could never have been so, had not the existing description of parcels been undeniably reliable. But the just principle of fixing, by the superior authority of the community, the measurements—always made in the presence of the neighbours, and steadily adhered to from early times—has worked so well, that the transposition of an immense mass of intricate parcels (for the whole plan of a labyrinth of narrow winding streets and lanes had to be changed and entirely remodelled) appears to have been almost a mere matter of calculation. The gentleman I have mentioned, and who was living in Hamburgh at the time of the reconstruction of the plan and buildings, will bear me out in this statement.” There was not one passing over the ruins at that time, as I did, who would not have thought it almost impossible that the small holders of land could ever have traced out their original sites, and still it was done without any difficulty. If a similar state of things were to happen in Adelaide, where a similar system is in force, could the respective holdings be distinguished in the same way? Yes; the accurate diagram which is given on each certificate of title, showing the length of each boundary line, the distance from some fixed point, and the value of each angle, would enable each property to be at once identified, supposing always the surveys to have been reasonably correct.

209. *By Mr. Hart*: I did not allude to any difficulty in ascertaining the sites of the respective pieces of property, but rather to the difficulty of establishing the titles in the case of the destruction of the records? There would be no difficulty whatever in establishing the title to any particular piece of land, because the certificate of title would be in the hands of the party, and would be declared by law to vest in him the indefeasible right to the estate or interest established by that document in that particular piece of land. Therefore, in all Courts of Justice he could go in and exhibit this certificate of title to prove his right—each being an original document, be it ever remembered. The certificate of title in South Australia varies from the certificate under this Act, in that each is an original document, and takes the place of the original grant from the Crown, either life estate or fee simple. Then, again, a mortgage instrument is an original, signed by the mortgagor and mortgagee. The certificate of mortgage under this system of Sir Hugh Cairns, is not so; it is a certificate only, signed by the Registrar, so that it has not got the signatures of the parties to the instrument acknowledging the obligation. Then, again, that is in duplicate, one part being retained in the office, and the other held by the party, and on each of these instruments is the seal and signature of the registering officer—Recorder of Titles, or Registrar, as the case may be—stating the day and hour when it was entered in the register book, and the volume and folium in the register book in which it is to be found. Here is an example. (*Referring to the Handy Book before alluded to.*) That is what is on the

the certificate of title, and when a lease is given, or a mortgage created, it is entered in the register book, and the fact notified on the certificate of title, and signed by the Registrar, and sealed with his seal. R. R. Torrens,
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210. Then no injury would arise to owners or lessees of estates from the destruction of the registry? No, none, nor from the destruction of the instruments which they hold in their hands, for they can always get a certified copy from the Registry Office, which shall be received in evidence in all Courts of Justice. 28 July, 1862.

211. If that is the case, what is the use of the Registry Office at all? It is of very great use for keeping all these matters in order.

212. But if the documents may be destroyed by fire and no injury can arise, I do not see the necessity? Perhaps the words, "no injury can arise," may be taken in too extended a sense; I mean no such injury as the deprivation of the land. Supposing the system in existence, as in South Australia, and that there are about 5,000 separate parcels of land; and suppose a fire to take place, and the whole of the books and papers to be burnt and destroyed, there are duplicates in the hands of the parties; therefore, they could always establish their titles; but if they want to deal with or transfer the land, they can only do it in accordance with the provisions of the Act. In order to enable them to do that, we should be obliged to re-compile the register book, and that can only be done from the documents in their hands. The owner of the fee simple, for example, might desire to mortgage or transfer it, and he would then have to come to the Registry Office and exhibit his certificate of title or land grant, showing all the records upon it. We should then have to construct our register book, so far as regarded that particular property, and place the indorsement on it directed by law, in order to carry out the purpose the owner contemplated. That is the utility of having a register book, and having the documents in duplicate. If there was no register book you must abide by the old law, under which there are no means of transferring from man to man, except by deeds. You must have either registration of title or transfer by deed; we know of no other mode. I would again remark, with regard to clause 37 of the Transfer and Registry Bill, that the same injurious and inconvenient interruption to the dispatch of business is caused, by rendering it necessary to give to the transferor of a mortgage a notice of the Registrar's intention to do that which the transferor has already required him to do in writing. The value of these instruments of charge—mortgages, and so on—consists in their facility of exchange. If they are made, like Exchequer bills, to be passed from hand to hand freely, they are of very considerable value; if, on the other hand, you clog, impede, and restrict the transfer of them, you greatly diminish the value of the measure.

213. *By the Chairman:* Did you say the Registrar was required, in another place, to give this notice? Yes, in the 31st clause of Sir Hugh Cairns' Bill, upon the transfer, which has to be signed by the transferor, demanding the transfer to be completed by entry in the register book; and then again, in this 37th clause it says—"Previous to completing the transfer of any charge the Land Registrar shall give notice to the transferor of his intention to complete the same." That is, I direct the Registrar in writing to do a certain thing for me, then this clause says that before he does it he must give me notice that he is going to do it. These things in our office are done in two or three minutes. It would be very inconvenient for a man living, say at the Clarence River, wanting to raise money in this way, on his property, if he must wait the return of post to enable the Registrar to give him notice that he was going to do that which he had already ordered him to do. It is most useless and may be most mischievous. A man may have a bill coming due, and rely on this as a means of meeting it, but find himself disappointed by the delay. The 33th clause of the same Bill requires that, "Upon completion of the registry of the transferee the Land Registrar shall deliver to him a fresh certificate of charge." I think that is an inconvenient thing. These certificates of charge, it is to be observed, are not original instruments; they do not contain the signatures of the parties. Why not, as in South Australia, allow the mortgage to be transferred by simple indorsement on the back, in which the party has nothing to do but enter the amount he has received as consideration for the transfer, and sign his name. This impedes the dispatch of business and diminishes the value of the document held by the party. There is a trifling matter I would notice, which is dealt with in clause 5 of section 47, where it treats of the proof of documents. It says—"Where any instrument is required by this Act to be attested by a solicitor of the Supreme Court such instrument if executed in any place out of the Colony may be attested either by a solicitor of the Court of Chancery of England or Ireland a Writer to the Signet a Consul Vice-Consul or Notary Public." It is to be observed that a Notary Public is the only person who can do this in the other Colonies. Now without saying anything against the profession, I would say that in South Australia at least, with which I am best acquainted, the notaries public are a very different class of persons from notaries in England, and by no means the persons to be trusted in this matter as a universal rule. Their signatures are not so well known as those of the Chief Secretaries, who are to be the attesting parties under the South Australian Act, or as the Recorders of Titles or Registrars General, who are the parties I would recommend to be placed in addition, as the parties before whom these signatures may be authenticated. This would give greater facility for the transaction of business, should an uniform system of land transfers be adopted in all the Colonies, by the several offices communicating one with another, and assisting parties desirous to transfer property in the respective Colonies. For instance, a man living in Sydney may be the owner of a large property in Melbourne or Queensland, and by going to the office at Sydney he might be put in the way of dealing with his affairs in these Colonies, and arrange the matter through the post; and this would be much more conveniently done if the Registrar in Victoria, Queensland, Tasmania, or South Australia, could sign and seal the instrument instead of the Notary Public.

R. R. Torrens, Public. I would therefore suggest that, though the words "Notary Public" may be left in, the words "Recorder of Titles or Registrar General" should be added.

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23 July, 1862. 214. You propose to leave the words "Notary Public" in? I would rather they were struck out, but my suggestion goes the length of recommending the others to be put in, and in addition, "Chief Secretary or Judge of the Supreme Court."

215. Have you an officer called Recorder of Titles? The officer who performs in Tasmania duties similar to those performed by the Registrar in South Australia is styled Recorder of Titles. They have a Registrar of the Supreme Court, and that was the reason they did not want to confound the names.

216. *By Mr. Dick:* Would there not be some difficulty in proving that the person named was Registrar or Recorder of Titles, whereas the seal of the notary is evidence itself? There would be no difficulty where the various Registration Offices were in correspondence with each other. It would be more easy to forge the notarial seal than the signatures of the other parties I have named, where it may not be known whether there is such a notary at all. I doubt if, in South Australia, we could ascertain who are or who are not notaries in Sydney.

217. In Courts of Law the notarial seal is admitted until the contrary is proved, whereas it would have to be proved that the party was Registrar General, and that the seal was the seal of the office? It is to be observed, that the entry in the registry book covers all these matters, even though there was a forgery—except the forgery be proved, of course. We come now to the 51st clause of the same Bill, and some of the subsequent clauses. 51 and 52 we will take both together. These clauses enable a party to deal with land under the old law, although the fee simple has already been brought under the new law, and the certificate of title issued for it. All leasing must be done under the old law; all settlements of estates, creating life estates, with reversions and remaindermen to succeed, and all settlements by trust deeds. Now I have before objected to this Bill, that it only provides for dealing with the fee simple of estates, and for transfers or charges on these estates, and I do not require to make the objection in that light again; but I would call attention to this, that a person may, either under this 51st clause, or by his will, settle his estate upon his son, to afterwards go to his son's heirs, or otherwise, as he may think fit, appointing such remaindermen as he may please; and the estate may go on in that way for generations, and each of these persons may lease, charge, or deal with the land under the old law, so that in course of time all the same complications and intricacies that the land was subject to when it was first released from them, and brought under the Act, will be re-complicated upon it; and there is no provision in this Act by which this land can be again brought under the same provision, and these accumulations wiped off, and a certificate granted to the person upon whom, in process of time, the fee simple might devolve. That is a strange state of things, to say the least of it. Under the South Australian Act, on the contrary, every one of these estates and interests which are omitted from this Act may be created, and all manner of transfers, dealings, charges, releases, surrenders, &c., &c., with these estates may take place, and be all evidenced in the register book. There is no provision here as to how a tenant by life or a tenant by courtesy is to deal with the land at all, or how his tenure of the land, with the estate which he is entitled to, is to be established. In fact, precisely so soon as any of these estates or interests are created, the land is withdrawn from the operation of this Bill, and then there is no provision to restore it to the operation of this Bill. In clause 52 it says,—“In order to register notice of a lease or agreement for a lease”—because these estates may be protected by notice or caveat, although they cannot be dealt with under the Act—“In order to register notice of a lease or agreement for a lease if the registered proprietor of the land does not concur in such registry the applicant shall obtain an order of the Land Titles Court authorizing the registration of the notice of such lease.” I would ask, for what purpose is it that the lessee should be compelled to take such a circuitous and costly course to protect his interest by caveat as application to this Land Titles Court? I have before remarked upon two or three other cases in which this Court is brought in, apparently for no other purpose than to incur the operation of the system and entail costs on parties dealing with land under it. This Court is a perfect obstruction to business, in my judgment. In the 57th clause I cannot think that that which is expressed is really intended—it would be so monstrous. I am satisfied there must be a mistake in the adoption of language which expresses an intention other than that contemplated. I will read it:—“Where two or more cautions are lodged with respect to the same land or to the same charge the cautioners shall as between themselves have priority according to the dates at which their cautions are lodged and not according to the dates of the creation of the claims in respect of which they have lodged such cautions.” So that a man having an estate or interest in land subsequent to its creation to another, takes precedence by the simple fact of his getting to the office first and lodging a caution. Thus estates may be created, not under the Act, it is to be borne in mind, but under the old system. But the whole of the precedence or succession in which debts are secured upon, or interests affect the land may be completely upset, and the order in which cautions are lodged is to be the order in which the interests are to take precedence, and to be paid and satisfied, in lieu of that order which justice and equity would dictate, and which the contracts that were entered into between the parties specify. If, indeed, there was anything at all in the matter, the effect of a caution should be rather like a bottomry bond, that the last created should have precedence, but the idea is quite inapplicable. The sole effect of a caution is to bar dealing with the land, and there is no reason why all sorts of persons who can show any reason should not be allowed to bar a dealing militating against their interest; but if they lodge a caution without due reason or having sufficient interest they are subject to be punished and to compensate the parties.

parties. There can be no reason assigned why the mere lodging of a caution should interrupt the order in which charges affect lands. R. R. Torrens,
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218. *By the Chairman*: The present system is that claims take effect according to the date of registration—if not, how are you to settle the dates at which claims are created, as it is termed? We do not recognize anything as created until it is registered, but these cautions are to save unregistered interests. This Bill allows you to create all sorts of interests under the old law, and then it tells you how to protect these interests. It says that if a man has an interest in land, no matter when created, he is to take precedence if he happens to get his caution lodged before any other. There is no utility in doing so; no matter when cautions are put in, if put in that should be enough. I would illustrate it better by stating a case:—A person may raise money upon the deposit of his deeds, and the banker or money lender may lodge a caution, but there may be annuities and all sorts of charges created also, and in this list one is to take precedence of all these simply because he is the first to lodge a caution. 23 July, 1862.

219. *By Mr. Holt*: Would not a banker hesitate to advance money on security of a certificate of title, and to lodge a caveat, if other caveats could also take precedence of or be on a par with his? Yes, but they would not be on a par; he having possession of the deeds he has the first lien upon them, unless there be a prior lien legally created.

220. He will have notice of that, of course? Anything legally created should take precedence in the order in which it was created. These cautions are merely to protect unregistered interests, but the effect of this clause is to upset the precedence which is properly due.

221. In order to make it quite clear, I will suppose that I have property unincumbered, and I go to Mr. Hart, as my banker, and ask him to lend me a sum of money on security of my certificate of title; he does so, and for his own security, lodges a caveat. Now, if I say to a third party, I have given security already to Mr. Hart, the banker, upon this caveat, but I also wish to have a further sum, and therefore on your paying off Mr. Hart, you will get security on the whole, and that other party goes and lodges a second caveat; now the question is, should these two caveats be on a par? They should not; but the caveat should have no other effect whatsoever than the mere barring of registration; it should not affect the title or the priority of the interest a man may have in the real estate or interest in the land, and therefore no effect should be given to the caveat beyond this, that it shall for a time bar the dealing, so as to give parties interested opportunity to protect themselves. In the case you put, the person who makes the second advance would of course not make that advance unless he got possession of the deeds, which he does by paying off the claim of the first lender. The sole aim and object and end of a caveat should be to bar dealings for such a time as is necessary to enable parties to take legal steps to protect their rights or complete their dealings. I will give an instance:—A person living at Mount Remarkable, 250 miles north of Adelaide, may have a dealing with a registered proprietor, who shows his certificate of title, but he may not have one of the printed forms of transfer; he has to write down to Adelaide to get it, and in the meantime he may have entered into a written agreement and money may have passed; he therefore telegraphs down to Adelaide, "I forbid any dealing with this land," and he is perfectly safe. When he gets the forms he fills them up and proves the execution before a Justice of the Peace, but the caveat operates in the interval, and is wiped off when the certificate of title is given to him. Again, a person having a reversionary interest may say, "These trustees are going to sell the land; I want my share handed over at once;" and he enters a caveat, "I forbid these trustees selling." He then applies to the Court for an injunction to restrain them further, for the caveat lapses in three weeks, or he goes to a solicitor and tells him to see that he is secure. In that way there are a thousand uses of this caveat, but the other is a gross abuse of it; it does not further the objects really sought, but introduces quite a new system. There are several clauses of this Bill by which it will be seen that very important matters are left to be settled by some regulations to be framed by the Registrar and the Court. The Bill is very incomplete, and omits a great number of necessary provisions, which, I presume, are to be made up and supplemented by these regulations. But I would submit that it is an inexpedient course for the Legislature to delegate its legislation to others in that way. The South Australian Act, on the contrary, not only provides for every kind of transaction, but formally binds the officers who have to carry it out in the mode of procedure, so that as little is left to discretion as possible. It is reduced to a purely mechanical process, which I think much more expedient than leaving too much to be hereafter settled by regulations. It is only making half a law, to give the outline, and say this is to be filled in by regulations.

222. *By Mr. Hart*: The principle of framing rules and regulations is recognized by the Common Law Procedure Act, the Irish Bankruptcy Act, and several other Acts, instead of importing all details within the four corners of the Act itself? I am aware that there are many cases in which that plan is adopted, but in those cases there are more complexities than in this simple affair of transferring and dealing with land. And here we have long precedent for everything that is done, in the practice of many States of Germany, the practice with regard to shipping, and the practice as in operation for four years in South Australia; and there are not those complexities that there are in other cases.

223. *By the Chairman*: May I ask, as I see the term "the Court" is used in various clauses here, and as you propose to dispense with this Court, have you any similar process to be dealt with in your Bill, and how do you deal with them? We have all these processes—lodging cautions, and so on.

224. The Registrar deals with them summarily? The Registrar deals with them summarily. There is no occasion for incumbering the thing with a Court at all. Now with reference to the 69th clause. This is the clause I referred to in my first day's examination, it being the one in my mind at that time, when I stated that everything must be done through the instrumentality

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instrumentality of the solicitors, rendering it compulsory for a person who had a land grant, when wishing the simplest kind of dealing with it, to fee a solicitor for acting for him, when he can do it himself. The first few lines are those to which I refer, where it states that "all applications to the Land Registrar in respect of any entry or alteration to be made in the register shall be made by a solicitor of the Supreme Court." These words cover every description of dealing. No dealing can be registered without an application to the Registrar to do it; and according to this clause, no one can make the application except a solicitor. I cannot see, if I owe a man £50 secured on mortgage, and all I want is that he gives me a receipt for the money, that I should be obliged to employ a solicitor to witness my handwriting, or the handwriting of the person who lent me the money. I could do all that myself.

225. You deprecate the necessity which this act creates of invoking a solicitor to transact the business? Yes, I put it in this way—I presume the object to be to do away with conveyancing.

226. That is to say, the complexity of conveyancing? The whole system as a science. I would abolish it altogether. I conceive that to be involved in a thorough law reform in respect to the transfer of land—necessarily involved in it—a reduction of our dealings in land to the same simple system that rules our dealings with bank stock and some sorts of chattels. We can deal with them precisely in the same way as with ships, railway scrip, or bank shares, transferring them from one to the other. I see no reason why, having done away with conveyancing, we should be compelled to employ a conveyancer at each simple stage of the process. If I bought a ship from Mr. Holt I should not call in a conveyancer at all; and why, if I buy an acre of land from him, should I be compelled to do so?

227. *By Mr. Holt:* You do not think it would be an advantage to have the aid of a solicitor in purchasing bank stock or ships? If I thought it an advantage, I should be at liberty to employ him; what I deprecate is, that I should be obliged to do so.

228. *By Mr. Hart:* If there is to be a Court, is it not necessary there should be a certain class of men admitted to practise there, who would be responsible for their acts or the advice they gave to suitors in that Court, in the same way as under the District Courts Act, persons are prohibited from appearing for any other person, who are not solicitors or attorneys? That is just confirmatory of my objection against incumbering the thing with this Court at all. This Court involves all these consequences, and destroys the object in view. It is in vain to contend that you accomplish the object with which you set out, that is, to reduce dealings with land to the same simplicity and rapidity of procedure as dealings with Government securities, if you bring in this Court and compel parties to employ conveyancers after abolishing conveyancing.

229. Are you aware that, under an Act passed in this Colony respecting conveyances, there is a class of persons called into existence called conveyancers, for the purpose of enabling the public to avail themselves of the Act, and that these persons have proved a most fruitful source of complaint in this community, and it has been thought desirable that that portion of the Act should be repealed? No, I was not aware of it. My suggestion goes this length only, that no man who feels himself competent to transact his own business, which, in nine cases out of ten, amounts to filling in two or three figures and signing his name, should necessarily be compelled to employ a conveyancer.

230. This section does not prevent persons from making applications themselves? I apprehend it does. "All applications to the Land Registrar in respect of any entry or alteration to be made in the register shall be made by a solicitor." Surely there can be no dealing under this Act which will not cause an entry or alteration in the register book.

231. If the section were altered so as to enable parties to apply personally, would that remove your objection? Yes, of course it would. But I say the clause is totally useless; persons may do that without the clause.

232. In the event of an applicant desiring to employ some one else, would you allow him to employ any person, no matter how questionable the character of that individual might be; or, in the event of his employing another person, would you insist that he should employ a practitioner of the Court? I think it might with great propriety be put in this way,—that no person should be allowed to make any charge for transacting business for another except a solicitor of the Courts. But there would be a difficulty about entirely prohibiting the employment of any other person. Suppose a man not well educated, and not accustomed to business, goes to a friend in the evening, with some of the printed forms, and asks him to fill them up for him; then he comes into the office himself the next day, and himself presents his instrument and signs it. I do not see how you can interfere with such a case as that. But if a man employs a person not a solicitor as an agent to transact the whole business for him, and to present the instrument for him in the office, I think that would be wrong. I think it would be better, if a person employs a paid agent at all, that it should be confined exclusively to solicitors of the Court.

233. *By Mr. Forster:* Why should the public be compelled to employ solicitors any more than doctors? The reason why the employment of solicitors has grown to be a habit is, that under the old law it was quite impossible for any man to carry on his dealings in land without their aid; even now no man who is wise will attempt to make his own will.

234. *By Mr. Hart:* I have a case before me now where one of these conveyancers transferred some land belonging to an individual to another party; neither of them could write, they both signed the deed as marksmen, and the deed was delivered to the party purchasing without any attestation, though it is required by our Registration Act that where marksmen sign deeds, they shall be attested by a solicitor or Justice of the Peace. Now the purchaser having paid his money is unable to register his conveyance, and there is no control over the conveyancer to compel him to witness the deed or to hold him responsible for not having had

had the deed attested before the proper person. Does not that show the necessity of having a reliable class of persons to deal with? I never objected to that. All I objected to is that those competent to do their own business should be compelled to employ another party. I would say that in practice it will be found, no doubt, that even the educated classes will always employ a solicitor to do the work. Any man can go down to the Custom House and pass an entry, but who does it? It is always usual to employ a Custom House agent, simply because it will not pay any man to do it himself. In the same way it will pay most men better to employ a solicitor in matters of business under this Act. Still I protest against its being compulsory. We have a safeguard against expenses in the employment of solicitors in South Australia; we never want a bill of costs taxed, because if a solicitor makes an exorbitant charge he will get nothing to do. Rather than call at the Register Office personally one would pay a guinea or two to a man to go and do it for him, but if he charges five or ten guineas, he will go and do it himself.

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235. *By Mr. Dick*: Is there not a guarantee, under the South Australian Act, that improper parties will not be employed, by requiring an attestation that the certificate is correct for the purposes of the Act? Yes.

236. That must be signed by a solicitor? By a solicitor, or by the party interested in the land. We say every man must be responsible for his own affairs, and if he expresses something he does not intend, he must take the consequences; we can only fulfil his expressed intentions; therefore we compel him to sign that it is correct, for the purpose of registration. Under the Real Property Act in South Australia, in view of the very necessity that has been pointed out—when the profession refused, as a body, to have anything to do with us—we said, now we will license land brokers, exactly as they do in Hamburg; and here—(referring to the *Handy Book on the Real Property Act*)—you will find that in South Australia not one thing is done by solicitors, but all is done by land brokers, who give security to the extent of £1,000 each, and two sureties of £500. These, I would say, are actual cases, though the names are fictitious, but every one is taken from our books; and you will find not one is done by a solicitor, but all are done by land brokers, simply because the solicitors cut their own throats—they would not work. The next objection is to the 73rd section. It imposes fees, the amount of which the Court is to determine. It will be borne in mind, that though in the previous Bill a charge is made for granting a final declaration of title, that final declaration only gives the person in whose favour it was made a power to transfer the land to some person in whom an indefeasible estate would vest by the registering of the fee simple, for it is confined to that in the Bill before me now, which vests the indefeasible estate in the registered proprietor. But then the same thing is charged for twice over. That is the objection—first, that an indefeasible title is granted under the first Bill for declaring titles, and then that you charge a second time for the same thing under the first part of the 73rd clause. To the same clause there is another objection, that the Legislature delegate to the Court the power of appointing the fees; and you will see the extent of the power delegated to that body:—"The amount of fees payable shall not in any case exceed five per cent. on the value of the land or the amount of charge." I do not say, for a moment, that the Court would go to such an extreme as that, but I would suggest whether the Legislature should transfer such an enormous power as that to any body whatsoever. Five per cent. on the value of the land would be at least 50 per cent. on the annual income. Now it has been found that in South Australia there is a dealing with each piece of land on an average once in three years, and if you had a dealing once in five years in New South Wales, that would be exactly 10 per cent. on the annual income. You delegate to these parties the power of imposing a land tax of 10 per cent. on all the lands of the country. That is an enormous power for the Legislature to delegate to any persons whatever. I am quite aware that in practice the thing would be checked, but it is a very dangerous principle to delegate at all. Now as to the 77th clause:—"Subject to such regulations as may be imposed and to the payment of such sums as may be fixed by the Court with the assent of any two Judges of the Supreme Court any person registered as proprietor of any land or charge and any person authorized by any such proprietor or by an order of the Court but no other person may inspect and make copies of and extracts from any register or document in the custody of the Land Registrar relating to such land or charge." I think I am not mistaken in saying that the practice in the Registry Office here is the same as in all the other Colonies, that any person on payment of the fees, or at all events any solicitor, may search. Now here you limit that power; it is a matter of principle. This limitation is advocated by Lord St. Leonards, who objects to registration upon the publicity principle, that it enables every man to find out the state of his neighbours' affairs. I only raise the point that you may not admit the principle without knowing it. If you think it a good principle to have secrecy, well and good; but if you object to it, then this clause must be altered or expunged.

237. *By Mr. Holt*: Has not this clause been introduced as an exact copy from the English Bill, because there are only two registration offices in the whole of England, and the landed proprietors in England have an insuperable objection to their titles being investigated? Yes, it is copied word for word, I think.

238. *By Mr. Hart*: Under your Act any person can search? Yes. I do not propose to go into a discussion as to which is the wiser course. It is quite possible to have registration of title, and that principle with it, if you like; but we have chosen otherwise. I would now call attention to the Schedules, and first as to the form of charge. A mortgage under the English law involves not only the pledging of the land, but a personal obligation on the part of the borrower; so does the South Australian mortgage. In Holland it is not so, and at the Cape you get a mortgage charging the land, and then a solicitor has to draw up a bond, to give personal security. We include both, and we find it much more easy. I call attention

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tion to the fact that the form of charge here, and the clauses relating to mortgaging, contemplate cleverly excluding the personal liability. Now there is great difficulty in the working of that. Supposing that personal security is taken as cumulative upon the mortgage that pledges the land, it is taken by bills payable at different dates, or it is taken by a bond, which is the custom at the Cape of Good Hope. In either case there is very great difficulty in transferring the mortgage.

239. *By Mr. Dick:* You object that there is no covenant to pay? Yes. Our form runs thus:—"I, A. B., acknowledge that I am indebted to C. D. for such and such a sum of money, and further to secure payment of such money with interest," and so on; so that it gives a further security. This says nothing about indebtedness; and it occurs to me that this is exactly like what I see is the law at the Cape, where, under similar circumstances, they invariably take security by bond, or bills payable at different dates. Suppose a man pays off the mortgage bonds that may be outstanding, or he may have redeemed some of the bills, perhaps two or three, as they fell due; the mortgage still stands, and the holder of it may go and transfer it; and there is no record of the meeting of any portion of the debt for which it is liable. I will suppose that a debt of £1,000 is secured on an estate of 1,000 acres, and that for the same payment a series of bills is taken of £100 each, for ten years, commencing ten years from the date of the first one. The mortgagor may pay two or three of these bills, but the mortgage still stands out, registered in the register books, and the holder of it might go and transfer it at its original value. We find great facility by adhering to the English system of mortgage.

240. *By Mr. Hart:* Short covenants could be introduced, which, on reference to another schedule of the Act, would make it quite clear what the parties meant? You might do it by that roundabout process, but it would be much simpler to say what is meant once for all. I point out all these things with a view to the adoption of the most easy and simple mode; and practice has given us the assurance of that which I think reason would lead us to conclude, that it is much easier to have the thing straightforward and plain, than to encumber it with references, and have separate instruments for personal security and landed security.

241. *By Mr. Hart:* On reference to the 76th clause, you will see that the Court has from time to time power to make alterations in the forms, as may be requisite, so that if the Court deemed it desirable they could make such an alteration in the forms as would give the personal security along with the mortgage? I think it questionable whether that would be within the scope of the Act. The Act seems solely to apply to securities in land, and in the event of the land not realizing the whole amount of the mortgage, it comes on the personal security for the balance. There is nothing in this Act, either in the title or in the preamble, that would lead one to conclude that this Court had any such power as to give personal security at all.

242. The covenants here in the second schedule to the Act are personal? I should doubt whether it would be within the scope or limit of the Act, unless it appears. In respect to the other schedules, I would point out what seems to have been an oversight. The real position of affairs seems to have been lost sight of—that the registered proprietor has an indefeasible estate. If so, what is the use of all these covenants. The first one is, "That the said A. B. has notwithstanding any act of his the right to grant the said lands to the said C. D." If he has an indefeasible title, what is the use of that? The next, "That the said C. D. shall have quiet possession of the said lands," is implied in the very nature of the transaction; and so on.

243. Are there not personal liabilities, under which the purchaser could fall back upon the vendor? That is just what I have said—that the parties who framed this schedule seem to have lost sight of what they themselves have enacted, that the title cannot fail—it is an indefeasible title. All these things are surplusage. "That the said A. B. has done no act to encumber"—that is evidenced by the register book. "And the said A. B. releases to the said C. D. all his claims upon the said land"—that is necessarily implied. I do not see that there is anything objectionable beyond this—that they are wholly useless—because they follow as inevitable consequences from the first proposition laid down, that is, the indefeasibility of the title. Having enacted the indefeasibility of the title, these things follow as an inevitable result, just as a corollary from a proposition. Now these in the second column are all right—that he will insure, and that the mortgagee may sell in default of payment.

244. *By the Chairman:* Did you notice the words of the Act—the 10th clause—with reference to the second schedule? Yes, I noticed that; and that is the reason they refer to the schedule; but they are quite unnecessary.

245. With regard to registered lands, but with regard to unregistered lands —? This Act has nothing to do with unregistered lands. I maintain this principle, that if you have registered the title you must not have the other law along with it. The benefit to be derived from registration of title is this, that it gives a satisfying assurance to every person who wants to deal in the land, that he has at a glance all the information that is necessary for him. Now, if you allow the old law to come in, and other matters to affect the land, you may as well give the thing up at once.

246. *By Mr. Hart:* Are you able to carry that system out? There is not the slightest difficulty.

247. Does not the old system still exist in Adelaide? Yes, but not with regard to lands under the Real Property Act.

248. You do not propose here to do away with the Registration Act? By no means; I do not at all advocate that it should be made compulsory.

249. *By Mr. Dick:* But when land is once under the Act it should continue so? Yes. If the Committee have no objection I will put in a summary of the objections to these Bills. (*The witness handed in the same. Vide Appendix.*)

250. *By the Chairman:* You have said all you wish to say? Yes, unless I may be questioned about the routine of the office. I have rather kept to principles, but the Committee may desire to know the manner in which the business is conducted, and to have a description of the official books; I thought it probable that would be elicited by questions.

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251. *By Mr. Hart:* Is there any means of dealing with dower, tenancy by courtesy, and similar matters, under the South Australian Act? Yes.

252. In what manner? A tenant by courtesy, when he became such, on his proof of becoming such, and having by advertisement called on parties to caveat, would receive a certificate of title recognizing him as tenant for life, as tenant by the courtesy, and at his decease the person who came in for the property, probably the heir-at-law, would prove his heirship and surrender the certificate of title, or if it was lost prove the loss, and receive a certificate in fee.

253. Then different certificates can be given to different persons? Not at the same time; it is the freeholder in being who gets the certificate. Thus, if there is one certificate for the tenancy for life, and another for the reversioner to succeed him, you may deal with both estates under the South Australian Act.

254. In what manner would you deal with circumstances of this kind, which frequently occur in this Colony:—A man, being indebted, purchases real estate, and makes a voluntary conveyance of the land to trustees for his wife or children, and an application is made to the Land Titles Court by the trustees of that conveyance—would that give them an indefeasible title? The position would be exactly this:—The purchaser who is indebted pays the money of course to the man from whom he buys it, or else the man will not give him a title; he is the purchaser, and he gets an indefeasible title, and if there be a balance the vendor may have it secured by mortgage. Then suppose there are debts not secured in any way; the owner of the land, the registered owner, desires, as you say, to vest it in trustees for his wife; he does so, and unless fraud be proved it is indefeasible; but if it be shown that he has acted fraudulently, being at the time in insolvent circumstances, the title would not be indefeasible.

255. That is not the case I put. A man makes a voluntary conveyance for his wife and children, and the trustees of the property apply to have it registered. I want to know if the trustees receive from the Registrar an indefeasible title? Yes, subject to fraud—subject to its being put aside if fraud be proved.

256. And fraud only? And fraud only.

257. Now, suppose the registered owners of that property sell it to a purchaser for a valuable consideration —? The trustees are the owners.

258. Supposing that the vendor or person who conveyed the property in trust for his wife afterwards, and, notwithstanding the application to the Registrar, sells the property for a valuable consideration, can the purchaser under those circumstances obtain a title from the Registrar? He could not sell it under this system, because in order to sell it he must be the registered proprietor; the trustees are the registered proprietors. It is an impossible case.

259. Then does it not clearly appear to you that this would open a very wide door to fraud and dishonesty, by enabling persons who hold landed property, and notwithstanding are deeply indebted to divers persons, to make voluntary conveyances on their wives and children, and the trustees of those conveyances to obtain an indefeasible title, whereas the present state of the law is that no voluntary conveyance is good as against a conveyance for valuable consideration? No; if fraud be proved, the certificate of title ceases to be indefeasible. Subject to fraud only it is indefeasible. Then the difficulty arises of making a distinction between a voluntary conveyance and one for value. To do so would be to throw on a purchaser the onus of inquiring whether the vendor's conveyance had been one for value or not. There seems no reason why a man should be allowed to make a present of his estate to one man one day, and then the next day take back the present by selling to some one else. It is incompatible with the system of registration of title to allow a voluntary conveyance to be defeated, because a certificate of title would cease to be of value, inasmuch as you could not tell whether the conveyance was voluntary or not.

260. Then you would preserve this system at the expense of doing injustice to the community, to whom the person making the voluntary conveyance is deeply indebted? Not in the least. There would be no injustice practicable under this system that would not be equally practicable under the old system. If there is any fraud that is liable to be defeated.

261. That is, if it is fraud in the eye of the law? The case of a man conveying his estate voluntarily to trustees at a time when he owes money he is not in a position to pay, would, I presume, be treated as fraud. I would state that the purpose and object here is to assimilate the law of real estate to the law of chattels. The position is exactly the position of property in the funds. Millions and millions are held in the funds in this way, and millions in shipping also, and we do not find these dreadful calamities occurring; then why should we anticipate them with regard to land? There is a greater safeguard in the case of land, in the amount of publicity that is given, that does not apply to the transfer of stock and scrip. There is an extra security in the nature of the thing; the nature of the thing renders this method of dealing with it much more feasible and much more safe than the nature of these secret securities.

262. *By Mr. Holt:* How are marriage settlements dealt with? They are protected in this way:—In the first place I must observe that they are rarely resorted to, because the facility for incumbering an estate is so great that in nine cases out of ten they would be unnecessary. The custom of trustees being invariably called into action arises from the Statute of Uses, and the system of uses under the old law, that has made it almost a necessity in any dealing of an unusual character. You place it in the hands of trustees, for the use of so and so. Now we do away with that artificial structure completely, and a man simply says in plain

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language what he wants done. Therefore, the necessity, in nine cases out of ten, is abolished; but when people desire to put it in the hands of trustees they can. It is exactly as in the funds. I am only an adapter; I have originated nothing at all; I only adapt to the land what exists in the funds. There is in the South Australian Act a provision under which a caveat can be lodged against trustees. You, being the settler or a beneficiary under the settlement, can protect yourself by caveat forbidding the dealing without notice given, or you can forbid the dealing except in accordance with the trust deed. All the lands of the Wesleyans are under the Act; they have deposited a printed model trust deed, and a caveat is lodged in the name of Mr. Butters, then the head of the body. Again, if the trustees die, you can put the words "no survivorship"; and the result of that is, that application must be made to the Court to appoint somebody to act in lieu of the deceased trustees until the total number can be made up. This is a protection against all frauds. In the evidence of the Solicitor of the Bank of England, Mr. Freshfield, before the Commission in 1857, he states that in all their dealings with the funds there was no record, where these precautions had been taken, of frauds having been committed when, through death or resignation, the trustees' power has lapsed into the hands of one or two. These had been found effectual. Now, if they have been found effectual where there was no publicity—where the thing is not tangible or visible at all—how much more safety will there be when it is tangible and visible to everybody.

263. *By Mr. Dick:* I think what Mr. Hart said had special reference to voluntary deeds. Of course, under your system, if a person makes a voluntary deed, whether to trustees for his wife and children, or otherwise, he cannot defeat that by a subsequent sale for valuable consideration? No, he cannot.

264. Because the party to whom it is transferred becomes the registered owner? Yes; the man who has transferred has nothing more to do with it ever after.

265. Suppose he makes a voluntary deed, it can be set aside by the Court as against his creditors? On proof that he did it fraudulently.

266. *By Mr. Hart:* Has that been decided? That is the Act; the South Australian Act contains a clause to that effect. Fraud defeats everything. But I would say that the innocent purchaser from the fraudulent proprietor is protected; he must retain the land absolutely; and the innocent mortgagee is protected—he retains the land. The insurance fund is come upon.

267. Have you found that there has been a disposition to lend money on titles obtained through the Landed Estates Court in Adelaide? You mean titles under the Real Property Act. The position is this:—A great proportion of the money available for the purposes of mortgage in South Australia is in the hands of solicitors, and they will not—at least, at first they would not, but they are obliged to do it now—lend the money of their clients in England and elsewhere under the new system, because they lose all the fees on the release of it, the second deed, and all the costs; they have set their faces against it and will not recognize it. But another large portion of the money is in the hands of capitalists who approve of this system, and they will not lend their money unless there is a title under the new system. The solicitors, however, are now finding that they cannot get investments under the old law, on account of the mass of property that is daily being brought under the new law.

268. *By Mr. Holt:* I think you mentioned, the other day, the case of a gentleman who had £100,000 invested under the new Act, but would not lend to any person whose property remained under the old system? Yes; there are a vast number of capitalists in Adelaide who in the same way will not deal except under the new law. They say, under the new Act we know what we are doing. There is also another reason for capitalists taking that course; sometimes they lend money on land that is not worth very much, and then under the old law the costs of realizing, the foreclosure, and all the procedure, is very great, and they may possibly lose money by it, for the costs are so great as often to swallow up the greater part of the proceeds.

APPENDIX.

THE measure in two Bills, adopted from that of Sir Hugh Cairns, falls short of realizing the object "to render dealings with real property as safe, expeditious, cheap, and simple, as are dealings with shipping and in the funds." It fails in this, first, because its provisions extend only to the transfer and charging of estates in fee simple; it contains no provisions for leasing land, no provisions for creating life estates, no provisions for transferring or charging leasehold interests or life estates, or for the transfer or release of charges on such estates; its provisions, therefore, such as they are, apply to the most but half the interests that exist in land and have to be dealt with. Secondly, even as regards the portion of landed interest to which it applies, its provisions are so cumbrous, and costly, and tedious, that it is a question whether they afford any practical advantage to the landowner.

In brief, whilst acknowledging the great principles of conveyancing by registration of title, it proposes to carry those principles into effect in such a manner as would deprive the public of any benefit that might arise therefrom. Thus the most simple title, a Crown grant prior in date to the passing of the Act, cannot be brought under the operation of its provisions under five or six months, or at a less cost than £10 to £15, and the proprietor is compelled to employ a solicitor. When the land is under the Act, although in the few matters (transfers and charges of the fee) to which it extends conveyancing is abolished, yet the attendance of a conveyancer is made compulsory, even in the most simple matters, as when a proprietor requires to apply for the registration of a transfer, or to sign his name to a receipt discharging a mortgage.

The defects and deficiencies are numerous and serious. The measure would create a Court and a Judge for which there is no occasion, yet omits to provide for the appointment of solicitors, whose services would be absolutely indispensable. It allows leasehold interests and life estates to be created under the old law by deed or will. This would have the effect of withdrawing the land from under the operation of the system of registration of title possibly for some generations, and encumbering the title with

with all the complexities of conveyancing under the artificial system of uses; yet there are no provisions for restoring the land to the register in the name of the party on whom the fee simple estate may ultimately devolve, or for removing the complexities with which the title may in the interval have been incumbered.

The South Australian Act, on the contrary, has accomplished all that was proposed for thorough law reform. Its provisions may be availed of at a trifling expense, and, when the title is clear, with a delay not exceeding a week. Land placed under its provisions may be dealt with by the registered proprietor in any way that is practicable under the old law, and this at the cost of a few shillings, and with the same promptitude and facility which attends dealings in bank stock, shipping, or Government securities; and its provisions extend to and improve dealings with every conceivable estate or interest, from the fee simple to a five years lease, including reversionary interests in such estates.

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THURSDAY, 24 JULY, 1862.

Present:—

Mr. SMART,
Mr. HOLT,

Mr. W. FORSTER,
Mr. HART,

Mr. DICK.

THE HON. CHARLES COWPER, ESQ., IN THE CHAIR.

Robert R. Torrens, Esq., called in and further examined:—

269. *By the Chairman:* The Committee understand that you have finished that portion or division of your evidence which has reference to the Act we have had under consideration, excepting, perhaps, such as may relate to the machinery of the office established to carry out the measure. Will you now have the kindness to state to the Committee what is the machinery with which you work the Act in South Australia? I will do so; but I would first beg to state, that the Bill brought up by Mr. Dick, being a counterpart, in fact, of the Acts that have been adopted in the other Colonies, has had very repeated revisions, both by myself and the solicitors for the Land Titles Commission; also by the Attorneys General of the different Colonies, and the Law Officers, including our late Chief Justice and the present Chief Justice. The last revision it received was from the Solicitor General of Tasmania, aided by some legal gentlemen there. There are two or three little points which they propose by way of amendment, which I would state to the Committee. It will not take up much time, and it perhaps might be as well to have this in what may be considered the most perfect shape.

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270. If you please; the first alteration is in the 29th clause of the Bill? Yes.

271. That is the Bill Mr. Dick has proposed to bring in? The Bill before the Committee.

272. You had better call it Torrens' Act? Mr. Dick and other legal members would perhaps be more competent than I am to judge of these alterations; they are purely verbal. In the 29th clause, the words "seised of" are omitted, and the words "entitled to" are inserted. This alteration is proposed in Tasmania.

273. I understand you, then, that your Act, as passed by Victoria, you consider to be perfect, subject to these alterations you are now going to make, and which have been considered to make it more perfect, by those gentlemen to whom you allude? Yes; they are only verbal alterations. In inserting the words "entitled to," instead of "seised of," it was held that a person cannot be seised of a reversion expectant, and that it can only be said that he is "entitled to" it. In the 31st clause, after the word "issued," in the 10th line, it is proposed to insert the words, "and of any powers vested in the proprietors thereof."

274. *By Mr. Dick:* Do you propose to add that? Yes. It says that he shall "set forth the nature of the estate of freehold in respect to which it [the certificate of title] is issued," and then follow the words, "and of any powers vested in the proprietor thereof."

275. But if he has a certificate he has all the powers? I think so; but it has been thought better to insert these words.

276. *By Mr. Cowper:* You do not see any objection to it? No; there is no harm in it. It may be considered surplusage: I am of that opinion myself. We come now to the 52nd clause. That is a clause relating to the notice to be given to the mortgagor in default. Between the 13th and 14th lines these words are to be put in—"and that sale will be effected unless such default be remedied." That also seems to me to be surplusage, but it is thought to make the clause more explicit. In clause 54 it is proposed to strike out the first words, "upon registration of," and to insert the following instead—"upon proof to his satisfaction by statutory declaration that such default has been made and continued after notice given as aforesaid the Registrar General shall register." Then, in the 9th line, after the word "aforesaid" insert the words—"and upon such registration"; so that it will read—"Upon proof to his satisfaction by statutory declaration that such default has been made and continued after notice given as aforesaid the Registrar General shall register any memorandum or instrument of transfer executed by a mortgagee or encumbrancee for the purpose of such sale as aforesaid and upon such registration the estate or interest," &c. That does make it a little more explicit, but still I think it was clear enough before. The next clause will be the 64th, on the 25th page of the Act. After the word "land," in the 13th line of that page, insert—"recoverable in like manner as rent or interest in arrear." I may say that this clause is taken from Lord Brougham, and that this is an addition to his words.

277. *By Mr. Dick:* I do not approve of that course—it gives a man the power of distress for non-payment of interest, which I think is not by any means desirable? Perhaps it would be well to leave that for consideration. None of these alterations appear to me to be at all essential.

278.

- B. R. Torrens, Esq. 278. *By Mr. Holt*: These are the suggestions of the Attorney and Solicitor General of Tasmania? Yes, and two other legal gentlemen.
- 24 July, 1862. 279. *By Mr. Cooper*: Not Mr. Allport? No; his criticisms we have taken too, but we found nothing in them—they were simply misrepresentations. In the 94th clause, and the 23rd line, there is another alteration. Strike out the words “the Chief Justice Judge of any superior Court,” and also in the next line, the words “having jurisdiction,” and put in —
280. What can that mean—a notary public having jurisdiction! It must have been a mistake? Yes, it is a transposition. Then we put in the words—“Registrar General or Recorder of Titles of such Possession or before any Judge,” and it will read—“or before any Judge or notary public in such Possession,” or —
281. *By Mr. Holt*: Is that correct? I think it will be better to strike out the words “in such Possession,” and put in the word “thereof.”
282. *By Mr. Dick*: Would it not be better to insert the words “notary public” antecedent to the word “before”? I have just written it so—“or before any notary public or before.”
283. *By Mr. Holt*: I do not think the “notary public” should stand before the “Registrar General”—it would appear as if he had precedence? That will not matter. Now it will read—“If the said parties be resident in any British Possession then before any notary public or before the Registrar General or Recorder of Titles of such Possession or before any Judge thereof.”
284. *By Mr. Cooper*: It seems to me to be a verbose clause altogether—“Instruments executed pursuant to the provisions of this Act if attested by one witness shall be held to be duly attested and the execution thereof may be proved if the parties executing the same be resident within the said Colony then before the Registrar General or before a notary public Justice of the Peace or a Commissioner for taking Affidavits if the said parties be resident in the United Kingdom of Great Britain and Ireland then before the Mayor or other chief officer of any Corporation or before a notary public if the” —? There should be a full stop there. It then goes on—“If the parties,” &c.
285. Oh! that begins a new sentence? Yes. “If the said parties be resident in any British Possession then before any notary public or before the Registrar General or Recorder of Titles of such Possession or before any Judge thereof or before the Governor Government Resident or Chief Secretary thereof if the said parties be resident at any Foreign place then before the British Consular Officer resident at such place.”
286. *By Mr. Dick*: Why do not solicitors attest those executed in the Colony? The Registrar General does all that work.
287. But why do you want a notary public—is not the evidence of a solicitor as good as that of a notary public, a Justice of the Peace, or a Commissioner for taking Affidavits? Their signature might not be so well known.
288. *By Mr. Holt*: It is possible that your Act may be adopted in England before long, and it would be well to give the Act a wider scope, because whatever they do in England will not extend to this Colony. I would suggest that after the words—“Commissioner for taking Affidavits if the said parties be resident in Great Britain or Ireland,” there should be added—“or any of the British Colonies,” and then proceed with the clause, or take foreign parts in as well, and let the execution of the instrument be proved before the Consul or the Consul General, as the case may be? That is in already at the foot of the clause.
289. Yes, but why could not all this be embraced in one—why not give the Consuls in England the power of verifying signatures—they have their stamp. It is quite possible for a naturalized foreigner to have land in this Colony; there are a number of Germans who have land in South Australia? I think the clause would be better as it is; the proof should be given before the constituted and recognized authority of the country in which the instrument is executed. In England, the persons usually recognized for such a purpose are the Mayors of the Corporations and notaries public. In Foreign places it is the British Consular Officer.
290. You see an objection to include the Colonies and England together? It would confuse the sense; we have not the same parties here. The Mayors of Corporations in the Colonies are not in the same position as Mayors of the old Corporations in England. In the case of the Colonies, the position would be more like that of a parish clerk in Mary-le-bow.
291. *By Mr. Cooper*: I do not think the clause is nicely arranged now? It merely requires punctuating. There are four cases contemplated in this clause: first, persons resident in the Colony; second, persons resident in England; third, persons resident in any British Colony or Possession; and fourth, persons residing in Foreign countries. Each must be kept separate, because there is a different class of persons contemplated in each case. It is clear the punctuation is wrong.
292. In fact, there is no punctuation in it? No; I see the clause is not punctuated at all.
293. *By Mr. Holt*: Acts of Parliament never are? No; you will find that it reads correctly as it stands.
294. *By Mr. Forster*: I would like to suggest a verbal alteration in clause 32. As you have struck out the word “seised” before (in the 29th clause), it seems to me that in line 26 of this clause, instead of saying the person described is “seised or possessed” of such land—(neither of which terms apply to the reversioner expectant)—you might put “entitled to,” which would include all the three? It would not apply in that case. The 32nd clause refers to certificate of title, which is never issued except to persons having freehold in possession.
295. Then there would not be any certificates for these reversionary interests? No; their names are entered on the certificate of title.

296. *By Mr. Dick*: You do not issue to them until they come into possession? Not until they come into possession. There is only one title at the same time for the same property, and that is always in the hands of the freeholder in being. R. B. Torrens,
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297. But supposing a man had only a life interest? Then he takes out one for his life estate. If the property is settled, the reversioner may apply when the life falls in, or he can do so at once, and will be able to deal with his reversionary interest. If he does not do so then, as soon as the life interest becomes extinct the next reversioner comes in and delivers his certificate of title—proves that he is a tenant for life,—and takes out a certificate of title for himself; and so each reversioner comes on, getting a certificate of title in succession. 24 July, 1862:

298. *By Mr. Forster*: Then a person having a reversionary interest gets some memorandum? He can get a certified copy of the certificate of title.

299. *By Mr. Dick*: How can he deal with it? If he wants to dispose of his interest, he gets a certified copy of the existing certificate of title in the name of the tenant for life, and he applies, in the usual manner, to be recorded in the register book as a reversioner entitled by that estate. His application is dealt with as a fresh application; it is investigated, to see if he is really entitled, and if he be, then he is so entered by memorandum.

300. *By Mr. Forster*: Is not the reversioner named in the certificate? Not necessarily; he may be, if he please to be so.

301. But suppose he is. The reversioner, if named, as you say he may be, may be a person taking some estate or interest in the land? Will he not be seised of an interest?—Could he not recover by that?

302. I thought it had been agreed that the word "seised" did not apply to that interest. If a person is named, his interest is not properly included in either of these terms, "seised" or "possessed of"; but if you say "entitled to" such land, that includes the whole three, "seised," "possessed," or "entitled to" by reversionary interest? Then, instead of "as taking," you would insert "entitled to"?

303. No, it is not necessary there; but in line 26, "the person named in such certificate of title or in any entry thereon as seised of or as taking estate or interest in the land therein described is seised or possessed of." Instead of "seised or possessed of," I think it would be better to leave it "is entitled to" such land.

304. *By Mr. Dick*: I think I would say "seised or possessed of or entitled to"—I think that would be better? I think it would be better. In the 20th line of the 96th clause the word "has" before "assented" should be struck out, and "shall have" put in its place; it is not grammatical as it at present stands. In the second marginal note to the 104th clause, "penalty for registering incorrect instruments" is an error. The penalty is for "certifying." The word "registering," therefore, should be struck out, and the word "certifying" put in.

305. What is the next clause? The next clause is the 125th. In the 37th line of this clause, after the word "grant" insert the words "certificate or instrument." Then, in the next line, strike out "such certificate or instrument," and insert "the same" instead. Those are all the alterations the legal gentlemen have pointed out to us.

306. Are the fees here proposed not a little higher than in Adelaide? Yes, I think some of them are.

307. I believe they only exceed £1 in cases where the value is over £500? I think there is a 5s. scale in Adelaide for every £100. In this Bill, when the value does not exceed £200, it is 10s.; when the value exceeds £200, but is not more than £300, it is £1; when it is more than £300, but does not exceed £400, it is £1 10s.; and where it is more than £400, but does not exceed £500, it is £2. The fees in Adelaide only run up as far as £1.

308. *By Mr. Cowper*: Do you think that this is an equitable scale? Yes, I think it is.

309. And experience does not justify you in recommending any alteration or amendment? These fees are not payable to the revenues, they are payable to —

310. To the parties? To the Commissioners; but it has been thought, both in Tasmania and in Melbourne, that it would be well to give them more pay. In Adelaide it amounts to but little more than £200 a year to each. They have very little work. It is to be observed that this is a maximum scale of fees, and the Governor has power to reduce it if the fees are found to be too large.

311. With regard to the preamble, would you have any objection to drop out these words—"the inhabitants of this Colony are subjected to losses, heavy costs, and much perplexity, by reason that the laws relating to the transfer and incumbrance of freehold and other interests in land are complex, cumbrous, and unsuited to the requirements of the said inhabitants and"—I do not like long preambles? Yes, I think they might come out.

312. And make it read so—"Whereas it is expedient to amend the laws relating to the transfer and incumbrances of freehold and other interests in land: Be it therefore enacted"? Yes; Judge Boothby declared in Court and gave a judgment upon this ground—that the preamble should recite everything that was in the Bill, and that as the preamble did not say that persons were to be compensated out of the insurance money they could not be compensated out of that fund; and we had, in one of the editions of the Bill, to write a huge preamble as long as a page, to recite all the conditions. He said it was not sufficient that they should be in the enacting clauses.

313. We will now, if you please, take the procedure? The applications to bring land under the Act, with the deeds and evidences of title, are received at the counter by the first clerk, who makes out a note of fees, which is in the cheque-book form, and the party transacting the business pays the amount to the receiver. The chief clerk then —

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314. *By Mr. Holt*: Would it not better illustrate the matter, if you were to take an instance and suppose a person applying to transfer a title—I have heard an objection raised by Mr. Faucett that the whole of these charges might be made, and that the proceedings would be as cumbersome as they are under the present system? I could state what the fees are in each case.

315. *By Mr. Cowper*: It would be better, I think, to refer to the establishment first; we can take the fees afterwards? The fees are specified in the schedule. I was going through the whole, taking each department or branch in succession. The chief clerk receives the applications, together with all the deeds and evidences of title, and makes out a note of the fees, in the usual cheque-book form with a counterpart. The fees specified in the schedule as payable upon application and for the certificate of title, and also for all moneys payable to the press for advertisements, are then taken by the receiver. The first clerk then enters the particulars of the application in the application book, a sample of which I hand in. (*Vide Appendix A.*) It is the duty of the chief clerk to see that the application is formal, that it is clearly written, and to give a preliminary examination, with the view of correcting any errors or omissions which he may detect. He passes the application with the instruments of title to the draughtsman, who examines them to see that the description of the parcels of the land is clear and specific, and sufficient to enable him to make a diagram of the property. If it be not so, he moves the Registrar General to apply to the parties for the necessary information. If the land in respect to which application is made contain all the land that is included in any Government grant, application is made to the Surveyor General for a diagram of that land from the surveyor's field books, or other records in the Survey Office. If the case be otherwise, and the deeds do not give sufficient information to construct an accurate diagram showing the exact position of the land, a licensed surveyor has to be employed by the applicant, at his expense, to make a diagram of the property, and that has to be declared to before a Justice of the Peace, as to its accuracy. The draughtsman having settled this point to his satisfaction, passes the documents to the solicitors. They then look into the work that has passed the draughtsman, as a check upon him, and they inquire first whether the description given of the land is clear and definite; secondly, whether it includes land other than such as the applicant is entitled to by his deeds or evidence of title; next, whether he shows himself to be in possession of the land so referred to; and then, whether he shows that he is justly and equitably entitled to it; and finally, whether the evidence which he produces is such as to lead to the conclusion that there is no other person who can eject the applicant from that land—he, the applicant, being in possession. If the evidence is insufficient the solicitors apply to the parties, who supplement it in any manner they may require; and when satisfied on the five points I have enumerated, they prepare a brief note of the result of the examination into the title, to be laid before the Registrar General and the Commissioners. The Commissioners once a week receive these reports, and the solicitors attend at the Board, to give personal explanations. The only function of the Commission is to decide to what extent the claim of the party shall be advertised and the number of newspapers in which the advertisement shall appear, or whether it shall be advertised in any other of the Colonies or in Great Britain, and to advise and assist the Registrar General in this important duty. The minutes of the Board are usually drafted by the Registrar as Chairman, and notices of applications, with the award of the Board upon them, are prepared by the solicitors. The chief clerk's duty is to see that these are properly posted. With each is enclosed a copy of the plan of the land, showing in figures the length of each boundary line, and the value of each angle; giving the compass bearings, and the distance from some fixed point, as the intersection of two Government roads or streets, or a Government reserve or other fixed point. These notices are sent to the occupiers or owners of all the lands contiguous to the land in respect of which the application is made. They are also sent to the officers of the District Councils and Corporations within the limits of which the land is situated, and placed at the local Court Houses. A copy of the diagram is also placed on the counter in the public office, open to inspection; a notice is also exhibited at the General Post Office, and at the Chamber of Commerce, as well as at other places, calling public attention to the fact of the application made. It is also advertised in each of the newspapers published in the country—two weekly papers, two daily papers, and two German papers. If no caveat be lodged the Registrar General signs the certificate of title at the expiration of the time limited as the period within which caveat may be lodged. But prior to this final transaction, a second search is made by the solicitors in the registry of deeds, to see that no transaction affecting the land has been registered under the old law in the interval which has elapsed since the first search to ascertain the title and charges. Another precaution taken is, by the draughtsman, to contrast the diagram of the land in respect of which the application is made with the diagrams of any lands adjacent thereto, which have already been brought under the Act, to insure that no certificate of title shall be issued for land having overlapping boundaries. To facilitate this operation an index of lands brought under the Act is kept, containing a reference to the register book in which the different parcels of land will be found described. A sample of this index is laid on the table (*Vide Appendix B.*) The first column refers by number or other reference to the property; the next gives the volume and folio of the register book, where a certificate of title of that property is bound up. By that means the draughtsman can at once refer to the several diagrams, and see that we do not grant indefeasible titles to lands with boundaries overlapping one another. I would here state that this index may also be availed of for another purpose. A person may desire to search into the history of any particular piece of land, and without knowing the names of the parties. He can do so by simply naming the particular block as situated in the Hundred and County of Bligh, for instance, block seventeen. By reference to this index he will get a clue which will guide him to the entire history of that property, from the day

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it was granted by the Crown to the then hour. After these precautions have been taken the certificate is signed in duplicate; one part of it is given to the applicant proprietor and the other is bound up in the register book, of which I put in a sample (*Vide Appendix C.*) When an application is made in respect of land which has never been dealt with in any way since it was granted by the Crown, the process is shortened, because upon that being made to appear, after search, the certificate of title is issued forthwith, by direction of the Board, and without any advertisement. The expense in that case is trifling, amounting to £1 for certificate of title, and 2s. for the application, with—as in other cases—one half-penny in the pound upon the value, as a contribution to the assurance fund. That is the mode in which lands are brought under the Act. A person desiring to transfer, or lease, or mortgage, or otherwise deal with land that is already under the Act, procures a printed form suitable to the occasion. He can either fill it up himself or get a solicitor to do it for him, or (in South Australia) a land broker, and it is then brought in. The fees are paid beforehand. The instrument is then passed on to the solicitors, who compare the two—the original and duplicate—and see that it is intelligible, and that the intent is clearly expressed. They certify their satisfaction with it by fixing their initials to it. It then goes down to the Deputy Registrar, who enters the memorial of it previously sent down to him by the solicitors, and drafted by them. He enters that memorial in the register book, upon the folium of it appropriated to that particular piece of land. He enters a like memorial upon the duplicate of the certificate of title in the hands of the party dealing, which must be deposited with him for that purpose. He notes the date and the hour of registration. He also makes an entry in the journal kept for the purpose of certifying the day and the hour in which all transactions come into the office. This is a very useful and important book. I put in a sample of it. (*Vide Appendix D.*) The first two columns contain the day and the hour; the next contains the name of the party dealing; the next, the name of the opposite party; the next, a description of the property; the next, a distinguishing letter, which indicates the nature of the dealing—thus, the letter G signifies “Grant from the Crown”; C, “Certificate of title”; T, “Transfer”; L, “Lease”; T. L., “Transfer of lease”; S. L., “Surrender of lease”; M. L., “Mortgage of lease,” and so on, to save the writing out of the words in full. The next column contains the volume and folium of the register book in which the history of that piece of land is recorded. We generally give the folium in the Arabic numerals, and the volume in the Roman numerals. The page and volume are distinguished in that way. All dealings of whatever description go through that process. But if it be a dealing for a freehold estate, the certificate of title is never returned to the party; a fresh one is made out, in the name of the person who then takes the estate. That is also in duplicate, and a fresh folium is opened in the register book for recording the history of the property while in his hands. Upon these are carried forward the memorials of all mortgages or other charges affecting the property which had not been redeemed or released at the time when the transfer took place, and also of all leases still current. There is also an “Index under names” kept, and an entry of the transaction is made in this index. I would here state that on each instrument brought in for registration there is also placed a reference to the volume and folio of the register book, so that any person holding a mortgage or holding a lease has the same facility of reference to the part of the book where the history of the land is recorded that a person has who holds a certificate of title. These instruments are numbered and kept carefully, by an officer called the Clerk of Records, in the Strong Room. They are tied up in bundles of twenty each, and placed in pigeon-holes of two hundred each. So that when any person making search requires further information than is afforded by the memorials which he has, both on the folium of the register book and on the duplicate of that in the hands of the proprietor, he simply calls out the number of the instrument which he wants to peruse, and it is handed to him by the Clerk of Records, who stands by while it is examined, and afterwards replaces it in its proper position in order. The Index under names, then, is useful for this purpose;—In the event of an instrument being lost, and the proprietor not recollecting the folium and folio of the register book where the particulars are recorded, he can look for his name in the “Index under names.” The name is only entered once in this index, and opposite it all the dealings of that particular person are shown by reference—successive reference to different foliums and folios of the register book. Also, in the case of a fraudulent insolvent seeking to conceal his assets,—by turning up his name in this index, there will be disclosed every transaction he has ever had in land since the opening of the office.

316. *By Mr. Dick:* Both as a purchaser and as a seller? Yes, as a purchaser or a seller; as a mortgagee or lessee, or in any other way whatever. There is nothing that he has ever done under the Act but would appear opposite to his name. In this respect we have found it useful in the cases of persons dying intestate and without any record of their property. I would instance the case of a gentleman who was drowned in the “Admella.” His relatives had no clue to the property he left; but in turning up his name in this book, we read off at once exactly the position in which all the landed property he had ever held then stood. It is only on these occasions that the index under names is referred to. But although it has been so seldom used, its value is great on those few occasions. In the case of the transfer of a lease or the surrender of a lease, as also in the case of the transfer of a mortgage or the release of a mortgage, no separate instrument is used. There is a printed form of transfer and surrender put on the back of each lease, and a printed form of transfer and release put on the back of each mortgage, so that the parties have simply to fill in the figures and sign their names on these instruments. Nevertheless, they require the same process of being memorialized in the register book, in order to make the dealing valid. It is a principle of this Act, that no paper or document whatever, or deed signed between parties (omitting a will) has any effect whatever to bind land; it is the registration and the

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entry in the register book alone that does so. So that a person dealing has absolute certainty of that which it is expedient or necessary for him to know. His security is disclosed at once, upon either looking at the document which is the evidence of the party's title, or into the register book, for the counterpart of it. Persons at a distance from the seat of the Registry Office—no matter how far—are thus in the habit of dealing with perfect confidence. A man in possession of a land grant, or certificate of title, at any distance from the Registry Office, can sell, and the purchaser take the property, and pay the money, with security. All that is necessary is for the vendor to fill up the usual form of transfer or mortgage, as the case may be; he hands over to the purchaser or to the mortgagee, this form, together with his certificate of title or grant. They go before a Justice of the Peace, or Notary Public, or Commissioner for taking Affidavits, for the purpose of identifying the parties, and the money can then safely be paid. The mortgagee or transferee sends the instrument of mortgage or transfer, together with the grant or certificate of title, through the post, to the Registry Office. A memorial is made in the register book, and on the certificate of title, and, if it be a mortgage, the instrument of mortgage is sent to the mortgagee, and the certificate of title or grant to the mortgagor. In some cases there is an agreement made by the mortgagee that he shall hold the instrument; that, however, is not usual, and it gives no assistance or advantage to a mortgagee that he would not have by holding this instrument of mortgage. In the case of a man settling a property in his lifetime, he fills in a memorandum of transfer modified to meet the circumstances of the case, wherein he transfers the property to himself for life, and appoints who shall succeed to it, and the order in which they shall succeed to it, and the person to whom the ultimate reversion shall come. I have put in an example of this sort of dealing, and of the various descriptions of dealings carried out under this Act, for the information of the Committee. (*Appendix C.*) When there is default made by a mortgagor, proof is to be given to the Registrar General of that default, and that sale has been made by the mortgagee, in accordance with the covenant specified in his mortgage; or, if no covenant be specified, then in accordance with the implied covenant given in the Act—and upon that he will register the mortgagee's purchaser as owner of the land, giving him the certificate of title, or evidence of his succeeding to the lease, as the case may be.

317. But then, any person buying from another having a certificate with a mortgage indorsed thereon would have to make inquiry as to whether the power of sale had been exercised, or he might pay his money for nothing? A person buying an equity of redemption, in fact, would have to make inquiry. When sale takes place by a mortgagee, the certificate of title, or other instrument evidencing the title of the mortgagor, is demanded to be delivered up, and there are clauses in the Bill empowering the Registrar General to summon him to deliver it up. If he disobeys, he may be taken before a Judge or before a Police Court, and committed to the common gaol. That would be always put in force, so that the mortgagor would not have it in his power to commit a fraud of that kind. If, however, he had got away out of the Colony, or if the instrument was lost, it would be advertised before a fresh certificate would be issued. It would be advertised for perhaps a month or two, so as to notify the matter as far as possible, and caution the public against any fraud being perpetrated, by any person dealing with an instrument which, in fact, had ceased to have any validity.

318. Supposing a mortgagee exercises his power of sale.—Under your Act he does not necessarily hold the certificate of title; but you say that a purchaser is entitled, upon proof of default being made, to receive a new certificate? Yes.

319. Do you grant that new certificate before you require the production of the old one by the mortgagor, or do you wait until you get the old one from the mortgagor? We require the production of it; but it might happen that the mortgagor had made away with it, or that he may have absconded. In such a case we would not allow the interests of the mortgagee, or his purchaser, to be damaged by that circumstance, and we would take precautions to guard against fraud being committed upon others, such as I have described, by means of advertisement.

320. But generally you would require the old certificate, with the mortgage endorsed on it, to be delivered up? Yes.

321. *By Mr. Holt:* The mortgagee can always protect himself by having possession of the original certificate? The mortgagee would be under no risk whatever. The only possible risk would be lest the mortgagor should dispose of his security for a loan with some other person not cognizant of the circumstances; but a person receiving an instrument having upon the face of it evidence that the property was mortgaged ought to take more than ordinary precautions.

322. He sees on the face of the certificate that the property is mortgaged? Yes; but then the position Mr. Dick puts is that of a man who, having mortgaged his property (not to its full value), seeks to raise money on it, or attempts to sell it. Of course he could not sell it, except subject to the mortgage. There is another facility which persons have of guarding themselves against fraud; that is, by searching the register. This may be done either through the Post Office, or by electric telegram, if there be—as there is in South Australia to almost all the towns—telegraphic communication. They could telegraph down to know if there was any caveat or incumbrance against such and such a property, giving the volume and folio of the register book, and receive a reply in the course of the day; or if they are resident in town they can satisfy themselves—the charge is only 2s. for that.

323. *By Mr. Dick:* Of course the mortgagee could protect himself by taking the certificate—there is no danger of any fraud being practised upon him, but simply upon a person who might wish to purchase the equity of redemption; upon sending down he might find that, previously to his purchase, the mortgagee had exercised his power of sale, and that a certificate

ficate of title had been granted to the purchaser? Such a case is certainly within the bounds of possibility, but I think that is all. It is a conceivable case; but with the precautions taken to force the mortgagor in default to deliver up the instrument which he held, and the advertisement published in the event of its not being recoverable from him, and the facility for search, I think there is little risk. At the outside, it would only show that it would be incumbent on a purchaser under such circumstances to search in the manner I have described, which would occasion but little expense either of time or money.

324. *By Mr. Holt:* But if a person had a second or a third mortgage upon it, how would that be dealt with? The second mortgage would be executed exactly as I have described the first. A memorandum of mortgage would be made out between the parties, and it would be examined by the solicitors. A memorial of it would be entered in the register book, and on the grant or certificate of title under the prior mortgage. Then the journal gives the date and the hour at which these transactions take place, and they take precedence, not in accordance with the dates of the mortgages respectively, but in accordance with the date on which they are presented at the office for the purpose of registration; and each memorial, as will be seen upon reference to the examples, notifies the day and the hour at which that registration takes place. Here, in page 29—(*a Handy Book on the Real Property Act of South Australia. Vide Appendix C.*)—is an instance of an incumbrance, which is the same thing. It is as follows:—"Incumbrance, No. 3010, dated the 12th day of February, 1862, produced the same day at 10 o'clock, a.m., from the above-named Charles Dunn, to secure to Mary Dunn, his wife, and Anne Dunn, his daughter, respectively, an annuity of £100, as therein mentioned. Entered the 12th day of February, 1862, at 10 o'clock, a.m. W. B. T. Andrews, Deputy Registrar General." Thus no second mortgage can take precedence of a prior one, and, in the event of a sale, of course the second mortgagee can only sell the land subject to the prior mortgage or charge, so that he cannot interfere with the interests of the first mortgagee or annuitant. The first mortgagee, on the other hand, sells the land, in case of default, and pays himself first, and if there be a balance over of course it goes to the second mortgagee. But no subsequent mortgage can ever damage the validity of a previous one in any way. When land is to be vested in trustees, the trustees execute a declaration of trust, which is deposited in the office, and a memorandum is executed transferring the land to the trustees. That instrument is registered, and contains upon it a reference to the deposited instruments, which may be referred to, in order to see that the trustees act in accordance with the declaration. I have, in a previous part of my examination, explained the modes by which beneficiaries are secured against loss or fraud. It is of course necessary, whenever transmissions take place, that these events should be notified to the Registrar. The Act is not intended in any way to interfere with the existing law, or the law as it may hereafter be altered, relating to inheritance or the transmission of property from one to another through the insolvency laws, or in any other way; but it is of course necessary that the Registrar should be certified who he is to recognize as the owner having power to deal. For that purpose, in the event of an insolvency taking place, the appointment of assignees in the insolvent estate is officially communicated to him, and he is then empowered to register these assignees as proprietors of the property. They hold it in trust, the Act declares, subject to the equities upon which the insolvent held it, so that if he was only a trustee for somebody else it would not be swallowed up by his creditors. An insolvent trustee would not by his insolvency involve the interest of the beneficiaries under the trust deed. In the event of marriage taking place of a female proprietor registered, that matter has to be certified to the Registrar, by the certificate of marriage, in order that he may put the name of the new party in; and the husband has a right to be entered at the same time as a tenant for life in right of his wife.

325. *By Mr. Dick:* Do you grant a certificate to him to that effect? No; it would be as a joint tenant with his wife, and not as tenant for life. In the event of his surviving he might become tenant by courtesy, and in that case he would get a certificate of title as tenant for life. That brings me to transmissions by death. In the event of the transmission of any chattel property in land, such as mortgage or lease, the executors or administrators would, as under the existing law, take the property, and the appointment of those persons would be authenticated by a copy of the letters of administration, or the probate of the will being brought to the Registrar. Then these parties can sell or otherwise deal with the lease or mortgage as under the existing law; and effect would be given to their acts by the necessary registration being entered in the register book. In the event of death, and a freehold estate being transmitted by will or intestacy, the devisee or heir-at-law would take possession as a matter of course, as at present, but he need not get registered as such. He can go into possession of the land at once, but he cannot deal with it in any shape or way until the matter is first authenticated to the Registrar. For that purpose, in the original Bill, reference was made to the Supreme Court of the country, and the Judges had to examine the will—or, if there was no will to examine, the evidence of heirship—and to direct the Registrar whom he should enter as devisee of the property, or as heir-at-law, according to it. That was found to be expensive, and the duty has now been thrown upon the Solicitors to the Land Titles Commission, and in such cases the same examination and search are gone through by the solicitors that I have already described as having to be gone through upon the first bringing of land under the Act. The solicitors have that important duty to perform, and they report to the Registrar and Board the result of their inquiries, giving their advice as to what extent of advertising should take place, and for what length of time the advertisement should stand in the public papers before these parties are recognized. But six months must elapse after the death before this indefeasible title in fee simple will be granted.

R. R. Torrens, 326. That is to the heir-at-law? Yes, to the heir-at-law or devisee.

Esq. 327. Or devisee? Yes; in either case.

24 July, 1862. 328. Why wait for six months, if a man makes his will in the following words:—"I, William Johnson, do hereby give, devise, and bequeath all my real and personal estate, of whatever nature and wherever situated, to Alexander Dick, of Sydney, his heirs, executors, and assigns, according to the nature thereof respectively, and I hereby appoint the said Alexander Dick executor of this my will"? It has been considered by the late Commission in South Australia, in which the Chief Justice sat, and others, that it would be advisable to allow that time to intervene, lest possibly some latent claim might arise. This matter is dealt with, I see, in the 78th and 79th clauses of the Bill.

329. The only reason I see for it is, that it is just possible there may have been another will—that that may not have been the *last* will and testament? I think that is the reason. I believe the executors have to pay debts within six months in South Australia.

330. *By Mr. Holt*: That is a matter of detail? Yes; I think it is a matter of regulation in the office too. I find that it is a matter of regulation. There is no such restriction in the Act, and this is the last revise. We usually do allow six months to elapse. There may be urgent occasions on which this rule would be departed from. After the expiration of the time for advertising, and if no caveat were lodged, then a certificate of title would issue to the devisee or heir-at-law. If a caveat were lodged, the case would be referred to the Supreme Court for adjudication, to decide in whose favour it should be issued. There is certainly a small risk, as has been pointed out by Mr. Dick, in all cases of transmission upon death, that there may be a latent will, and that the person claiming may in error be assumed to be the heir-at-law; the will produced might not be the last. These are risks we cannot absolutely guard against. Notwithstanding the advertisement, and all the precautions taken, such a thing might occur; therefore a fresh contribution to the assurance fund is always exacted, the same as that required on the first bringing of land under the Act—one half-penny in the pound, to meet such liabilities. If we give a title indefeasible, and it is afterwards found out that the person recognized as heir-at-law is illegitimate, or that there was a subsequent will, in any case the person who gets the certificate holds the land indefeasibly, and the assurance fund pays. In the event of a person settling his property by will, the probate or copy of the will, or the will itself, must be brought into the office, and the tenant for life gets a certificate of title, as I have before stated, upon which the remaindermen may make application, and they will be entered upon this certificate of title as remaindermen in the order in which they succeed in accordance with the will. They can then transfer or charge their estate in expectancy in any manner which they could do under the old law, by filling up the appropriate instrument given in the schedule for that particular dealing, and having it registered. There would be no certificate of title issued to them until the death of the existing tenant for life; upon his death a further certificate would be issued. A person desiring to deal with his lands in his absence, or in places beyond the limits of the Colony, can procure a power of attorney in accordance with the form given in the schedule. A sample is given in the book which I have laid on the table. (*Handy Book on the Real Property Act of South Australia.*) It is not essential, however, that this form should be used. Any power of attorney will suffice, provided that a certified copy (which will be examined and certified by the solicitors) be deposited with the Registrar. This power may be revoked by any instrument signed by the grantor of it, but any dealing that is registered in the register book prior to the notice of the revocation of the power of attorney is held indefeasible. If a person desires to deal with land beyond the limits of the Colony he can procure, in addition to the power of attorney, what is called a registration abstract. That is, in point of fact, nothing more than a copy of the register book. Any person taking out a registration abstract to deal with his land in other places cannot deal with it in the Colony so long as that instrument is outstanding. The account is closed; the register book is closed in the Colony, and the counterpart of it is opened for use in the country to which the party is going. For instance, a mining property; the last one I recollect was taken to England to be sold in that way. A registration abstract was taken with a power of attorney for a person to sell this property in England. The agent holding the power of attorney filled in the memorandum of transfer in London, and the entry of the memorial prescribed by the Act to be entered by the Registrar in the Colony was made by a notary public in England. There can be no fraud in this case, because the account is closed in the Colony. There can be no double dealing; this makes the transaction valid immediately in England, without second reference to the Colony, and thus there is a great saving both of time and money. The registration abstract, together with the certificate of title and instrument of dealing, must be sent back to the Colony, to be entered in the register book of the Colony, before any second dealing can take place. Thus the account will be opened afresh in the Colony, and the abstract withdrawn, and the former account entirely closed; any person requiring to form into one estate, properties that are in the same neighbourhood, can do so by surrendering all the certificates of title which witness his claim to these properties, and taking out a fresh one, which would cost a guinea; any person who desires to do so can divide into several separate properties, lands held under one certificate, by surrendering the existing certificate and taking out as many as he pleases, paying a guinea for each representing one of the new properties. Every facility is given for combination and redistribution of land in that way; and by the constant surrender, upon each such occasion, of the existing instrument evidencing the title, and the opening of a fresh one, no confusion can ever arise, and dealings are kept distinct. The officers employed in the department are as follows:—first, the Registrar General and the Commissioners. There are two Commissioners, who, at present, are not legal men; there is nothing to prevent their being legal gentlemen, but they must not practise. There are two solicitors; one of them

them is a barrister of long standing; he was a pupil of Brodie, the celebrated conveyancer in London, was the head of the extensive firm of Gawler, Bakewell, and Stowe, in Adelaide.

331. *By Mr. Dick*: Is Mr. Gawler a barrister? Yes.

332. *By Mr. Holt*: All solicitors are barristers, are they not? They are allowed to practise as such in South Australia, but Mr. Gawler is an English barrister.

333. *By the Chairman*: And was he a pupil of Brodie's? Yes; I may state that our previous solicitor was also a barrister—Mr. Belt. He was a man of considerable eminence in his profession; it will be evident, from what I have stated, that the utmost importance is attached to the office of the solicitor; in fact, the safety of the measure to a great extent depends upon the skill and care of the person so employed.

334. I apprehend that they are called "solicitors" more as an official designation? "Conveyancers" would probably be a more correct term to apply to them.

335. The profession is amalgamated with you, is it not? Yes.

336. There is nothing to prevent a barrister from taking a solicitor's appointment? Nothing; but then he should be a conveyancing barrister; many barristers know nothing at all about conveyancing.

337. They are legal gentlemen selected specially for their professional qualifications? They should be either conveyancing barristers or conveyancers. Upon the skill and care of those officers the safety of the measure depends, to a great extent. They are assisted by a clerk, who aids in making searches, and helps them in drafting the more formal memorials and certificates.

338. *By Mr. Dick*: And engrossing? No, he does not engross. The next branch that I would bring under the notice of the Committee is that of the draughtsman. He has to make out the diagrams in duplicate upon the certificates of title, and to see to the engrossing of them.

339. *By the Chairman*: Has he any ready means of communicating with the Surveyor General's Department, or do you make special application to the Surveyor General, with reference to these diagrams, if you want any information? There is a little printed note, signed by the applicant, sent to the Surveyor General, and he will send in the tracing. Half-a-crown is charged for that.

340. Does any delay ever take place in getting these diagrams? There has sometimes been a few days delay, which has been complained of; but I have precautions taken now to prevent that delay. This is the form presented to the Surveyor General. (*Form handed in. Vide Appendix E, page 13.*) The draughtsman then sees to getting the certificates of title engrossed from the rough drafts made by the solicitors. He has one or two clerks to assist him in this work, and in the preparing of the tracings which have to accompany the notice of application. Their time is fully occupied, but whenever they are unable to get through the engrossing, we do not take on fresh clerks, nor is it intended to increase the department at all. It is found more expedient to do this work by the piece, just as the solicitors do. We give it out to a law stationer or to an engrossing clerk, instead of taking on a number of new clerks.

341. *By Mr. Dick*: And you pay for it at per folio? Yes, at so much per folio. We find the business irregular. We have a great many one week to do, and possibly none the next, or very few. It does not do, therefore, to keep a large permanent staff, and we do a great deal of the work by piece.

342. *By the Chairman*: With reference to these diagrams and information respecting the boundaries:—if any discrepancy arises, what course is taken—is there anything like a re-measurement or a special measurement by you or the Surveyor General, in order to settle the boundaries accurately? That is done in bringing land first under the Act. If there be any dispute or discrepancy, unless the matter is settled to the satisfaction of the solicitors, we would reject the application.

343. Then you leave the parties themselves to settle those matters, before you accept the application? Yes, and after it has once been brought under the Act no difficulty can arise, because we have a fixed and settled diagram, and our draughtsman, with the aid of the solicitors, sees to the subsequent cutting up of that piece of land, and takes care that the sections are clearly delineated, and that there is no overlapping. There is a risk and difficulty in first getting land on the register, but after that there is none.

344. *By Mr. Holt*: Do you not send circulars to the adjoining proprietors, asking them if they have any objection to raise to contiguous lands being brought under the Act. I received a few days ago a circular from Brisbane, in reference to an adjoining proprietor wishing to place land under the Act, asking if I had any objection, and enclosing a diagram. That is the case, also, in South Australia, I presume? Yes; these diagrams accompany the notice of application.

345. Similar notices are sent to all adjoining proprietors? Yes, they are sent to all owners of contiguous land. Although, so far as it goes, the evidence may be clear—we would not act if it were not—still it is *ex parte*, and there may be other evidence equally clear to the contrary. Therefore we notify all persons who can have any possible interest in the question of boundaries. The draughtsman has got two clerks to assist him, and they are fully occupied, for they are instructed to give aid and assistance, and explanation, to parties, to enable them to get this important work done at the least possible expense.

346. *By Mr. Dick*: That is, the solicitors? The draughtsman. And though there be no diagram on the deeds, if there be such evidence, and such a verbal description as will enable him to make a diagram, he will do it for the parties without putting them to the expense of employing a surveyor. There is a facility in our Colony for that, by means of the Government maps showing the sections, which are not large—80 acres, 320 acres, or 640 acres; so that there are certain limits within which the property is fixed regularly.

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R. R. Torrens, Esq. give the means of fixing it further, we do not put a man to the expense of a surveyor, but usually do it for him.

347. It would be much more difficult in this Colony, where the survey is not so perfect? Yes.

24 July, 1862. 348. *By Mr. Holt*: In the report of the Commission appointed to inquire into the working of this Act, it is stated that the surveys are very deficient in South Australia? Yes, they are very bad; we have to reject many. The sooner we commence to remedy this state of things the better.

349. *By Mr. Dick*: But, to a certain extent, the difficulty is got rid of, by requiring adjoining neighbours to settle the boundaries? Every doubt, whether affecting the title or the boundaries, must be settled before we bring land on to the register. Of course there are doubts in reference to the title which merely affect it technically—which affect, not the title itself, but the evidence of it. A man may be justly entitled, and yet not be able to produce perfect evidence of his title. We remedy that as well as we can. The Deputy Registrar General's branch consists of himself and a clerk to aid him in his duties, which are of great importance. No one but the Deputy Registrar General, or the Registrar General himself, is allowed to make any entry in the Registration Book. There must be no erasure. If any thing requires correction, it must be scored out with a pen, and the correction put in the margin, with the date of the alteration, and the initials of the person by whom it is made. The Deputy Registrar General is aided by one clerk in making these memorials, which he has to prepare in duplicate. He has to stamp all the instruments delivered up and cancelled.

350. And the cancelled documents are filed exactly in the same way as a transfer of mortgage, or a transfer of land—are they not? The cancelled documents are treated thus:—There are small bags which hold, some of them, several skins of parchment, and some of them less, and when land is brought finally under the Act, into one of these will be placed the application, the diagram, the report of the solicitors, the minute of the Board, all the old deeds surrendered, and any correspondence or references, or affidavits, or other matters that have been taken in the course of the inquiry. The bag would then be docketed with the name of the applicant, the number of his application, and the date of it, as well as the number of the deeds that are inside it. The deeds are stamped as cancelled, and they are thus all put away together, in the strong room, so that whenever any question should arise as to any claim against the assurance fund, or otherwise, it would be only necessary to refer to the number of the bag, and all the evidence could be produced at once.

351. When you speak of bags, you mean paper bags—like envelopes? Yes, paper bags, with canvas inside—a new style of thing. We used to have parchment bags, but these answer the purpose.

352. What do you do with the old certificates? The old certificates are stamped as cancelled, and placed aside just in the same manner. The duplicates of them in the register book are also cancelled. When these books, by use or process of time, get worn at the binding, or when it becomes cumbrous to us to have so many volumes of the register book in use at the same time, they would be unbound, the cancelled ones taken out, and a memorandum inserted in front of the new volume containing the numbers of those withdrawn. Those withdrawn would be put aside, and ultimately, in the course of years, we shall have a large fire, and burn the cancelled old deeds, certificates, and instruments. It would be advisable, perhaps, by a statute of limitations, to fix a time which should expire before that conflagration took place. There is a large mass of old deeds in the Registry Office, about the size of this (*long table in Committee Room*) table in bulk. In the strong room there is one officer connected with this branch of the department; we call him the Clerk of Records. I should have stated before, however, that the draughtsman keeps and posts the index under properties, and that the clerk to the Deputy Registrar keeps and posts the index under names. In the strong room there is the Clerk of Records; his duty is to keep in order all the volumes of the register book, and all the duplicate instruments deposited with him; he does not allow any of these to be taken out of the strong room, except upon the signature of the officer of the department who takes them out, put upon a rough counter book for that purpose; and he enters the fact of their return into their places again. He exhibits to searchers the register book or instruments required to be looked at. Sometimes the solicitors require an instrument, but the clerk must sign the book before he is allowed to take it out of the office. At the counter, to deal with the public, there is the Chief Clerk, who receives the applications and all the instruments requiring to be registered. He gives information, also, to all persons who inquire verbally how to proceed in a dealing that they have to carry out. There is also a cash clerk, who receives all the fees, and enters them in the cash book, which is of the ordinary description. That clerk also keeps the letter book. There are printed instructions for the guidance of all the officers of the department in carrying out the duties of their office. I will put these in in evidence. (*Vide Appendix E.*) There are also circular letters for the information of the public, who may apply to deal with land or to bring it under the Act. The first relates to the bringing of land under the Act, and the second to dealing with land when it is under the Act. These circular letters, with full examples of almost every conceivable transaction, are to be found from pages 32 to 61 (*Handy Book on the Real Property Act of South Australia. Vide Appendix F.*) There is, I believe, no dealing of any description that a person may require, and can lawfully carry out under the existing law, that may not be, with great ease and facility, carried out under one or other of the examples I have placed on the table. That constitutes the entire staff of the office.

353. But you have more than one clerk at the counter, have you not? Yes, we have a clerk and a cash clerk. The Cashier acts also as clerk.

354. *By the Chairman*: You have a Registrar General and two solicitors, and ———? We have a Registrar General, a Deputy Registrar General, two solicitors, a solicitor's clerk, a Deputy Registrar General's clerk, a draughtsman, and two assistant clerks. 355.

355. *By Mr. Dick*: And a Clerk of Records? And a Clerk of Records, a Chief Clerk and R. R. Torrens, Esq.

356. And both these are at the counter? Both of them are at the counter.

357. And there are also the Commissioners? Yes, there are Commissioners.

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358. *By Mr. Holt*: And these do all the business connected with the old and new systems? That staff with, say £500 at the outside, for extra clerical assistance, for the drafting of certificates and other matters, would, I conceive, be competent to transact a business of ten thousand dealings in a year, and the increased expense to double that would be very trifling. You must pay for the skill of these chief officers at a high figure, but the increase in the work would entail a very trifling additional expense, to extend it so as to take the whole of the instruments in this Colony. I am not aware how many instruments are registered in New South Wales in the course of twelve months; there are seven or eight thousand registered annually in South Australia. I was told that here about twelve or fourteen thousand were registered in a year. I think the staff I have stated, with £500 or £600 for extra assistance, would do all the business of this Colony.

359. Is the office self-supporting in South Australia? It is just becoming self-supporting now. We carry on now about half the conveyancing of the country, and that makes it just self-supporting; so that all the rest would be clear profit to the Government.

360. *By the Chairman*: In your department, however, you do not take up the statistical branch of the Colony—that is in the Colonial Secretary's Department? That is in the Colonial Secretary's Department. I have not included in the staff I have enumerated the other clerks who are employed in the deeds branch; it is very trifling, however, at present, because the work is going over gradually into the other office.

361. *By Mr. Dick*: You are alluding to registration under the old system? Yes; there is a Deputy Registrar of Deeds with two clerks under him, to carry on the deeds branch.

362. *By the Chairman*: Does he work independently of you, or does his branch form a part of your department? It is a part of my department; I control the whole. There would be a very great disadvantage in dividing the deeds branch from this branch. The facility for reference and search is very great in having them all in one building. If it were not so, there would be a good deal of running backwards and forwards, and the solicitors and clerks would have double the work to do. There is a convenience also in this way:—As the employment for the clerks in the deeds branch dies out, the employment will grow under the other branch, and officers who have obtained some skill and knowledge may pass over with their work into the increasing department.

363. *By Mr. Holt*: Do you not think that it is desirable to separate the registration of births, marriages, and deaths, from the registration of real property? Yes; I think there is quite enough work for any man, however intelligent he may be, to perform the necessary duties in connection with the deeds; I think it would be unfair to require him also to attend to the registration of births, marriages, and deaths. A man should keep his head clear, and not be overtaxed, to do mere clerical labour; he should be able to take a survey of what is going on, instead of being kept continually plodding at the wheel.

364. *By Mr. Dick*: Is there any difficulty in working out together the new and the old systems of deeds? No, none whatever; it is an advantage; but I think that that is as much work as ought to be imposed upon any man.

365. Do you not think that the Registrar of deeds should be also the Registrar of births, deaths, and marriages? No, not in a Colony like this; there would be too much work to admit of the combination.

366. *By Mr. Holt*: And the two are incompatible with each other? They have nothing in the world to do with each other.

367. Does the assurance fund go into the general revenue, or is it kept separate? There is a provision in the South Australian Act that that shall be invested in the Government securities of the Colony; and all the accruing interest is reinvested. They keep it a separate thing altogether. But if we go on as we have hitherto been going on, it must ultimately be brought into the general revenue. When I stated that the department was only just beginning to pay its way, I did not include any receipts on account of the assurance fund.

368. That is still liable to be called upon? That is set aside altogether for a special object. I think it amounts to something approaching £4,000 at present.

369. Are there any complaints as to the amount required to be paid to the assurance fund? It is a half-penny in the pound, or £2 1s. 8d. per £1,000.

370. Do the public complain ever of having to pay this amount? I have heard one or two complain some time back, who had to pay it upon the registration of lands newly granted from the Crown, but they at once acceded to the propriety of the provision, when it was explained to them that it was a payment once for all, and that it guaranteed all future proceedings. It would be inconvenient to calculate infinitesimal fractional parts, and to levy in every dealing. When once the land is under the Act there is no risk; but it is conceivable that an error might be committed.

371. *By Mr. Dick*: And every future alienation of land by the Crown will start by a certificate under your Act? Yes; and the person who buys land from the Crown will pay one halfpenny in the pound to the assurance fund.

372. Has he in that case to pay to the assurance fund? Yes, and that guarantees all his future dealings.

373. *By Mr. Holt*: That covers all errors which may have been made in the Registrar General's Office? All that may hereafter be made, and he has got an indefeasible title.

374. *By Mr. Dick*: Suppose I buy a piece of land at the North Shore from the Crown, say a month after this system has come into operation (supposing it to come into force), should I receive a certificate of title in lieu of the Crown grant? A Crown grant would be issued

R. R. Torrens, issued to you from the Registrar General's Office, or other office making out land grants; it would pass into the Registrar General's Office; he would mark the volume and folio of the register book, which causes it to be registered and makes it indefeasible.

21 July, 1862. 375. Should I have to pay any insurance fee in that case? Yes, a half-penny in the pound on the purchase money.

376. If you will refer to that book—(*Handy Book on Real Property Law of South Australia*)—you will find that land grants are not signed by the Governor? They are not signed by the Governor in South Australia; it was found inconvenient. We had travelling Governors, who were fond of taking long journeys into the interior, and it was found inconvenient to wait until they came back, in order to get a deed signed.

377. Was that by a special Act? Yes.

378. *By the Chairman*: Who now signs the deeds of grant? The Treasurer and the Registrar General. But I think the great seal of the Colony would suffice, though there were no signature at all, according to law; in other Colonies also the Governor does not sign; in Tasmania I think it is just the great seal of the Colony. I would here state that the land grants are lithographed, and if this Act be brought into operation in this Colony it would be well to take a note of this—that the imprint of the seal in ink must be substituted for the seal of wax; you cannot bind documents with the seal on them. And they are always falling off in this Colony; we have many of them lying loose in the office.

379. *By Mr. Holt*: Are Crown grants considered indefeasible in South Australia? Yes.

380. Crown grants? Yes.

381. Has there not been an instance where a person having a Crown grant had it set aside in consequence of it having been granted to another party? Yes, the first was indefeasible; the first grantee takes precedence. In consequence of that, an alteration was made in the Real Property Act, so that the first registered under the Real Property Act shall get the indefeasible title—giving him precedence over even the Crown grant. We must maintain the indefeasibility of property registered; that is the very foundation of the system. The same principle was affirmed by the House of Lords. The incumbered estates of Ireland were made indefeasible. Even where outrageous injustice was shown to be committed, the Courts held, and still maintained, the indefeasibility of the title.

382. Then a Crown grant is not *ipso facto* proof of indefeasibility of title? No; because if the Crown had subsequently granted the land to another, and he had got first on the register, he would oust the original proprietor—he not be in possession.

383. Therefore there is some advantage, even in those holding grants from the Crown, in paying this half-penny in the pound to the assurance fund, in order to get an indefeasible title? Yes.

384. A Crown grant is not in itself a proof of indefeasible title? No.

385. And with respect to the sale of land—has the system been in operation long enough to produce any effect in the value of property—for instance, a property worth £1,000 with an indefeasible title under this Act, would it realize more than £2 1s. 8d. (the cost of the assurance) if brought again into the market? I would illustrate that by a case:—There was a piece of land put up to auction, as stated by the auctioneer, “with such title as the purchaser has to give; but there will be no inquiry and no abstract.” No one would bid at all. The land was valued at £1,100 and some odd pounds. It was afterwards sold for £350, on account of the title; but it was a title that we would have passed under the Act. The effect of this would have been to raise the value from £350 to £1,100; it would have been tantamount to giving the difference between those two sums to the vendor. That is the way in which it operates to raise the value of land. Suppose a valuable building site in the City of Sydney, unless the title were clear no one would venture to invest capital in putting a building on it, because, under the old law, the rightful owner, if he turned up, would take not only the land, but also the building erected on it, and in which the capital of another had been invested. The land in such a case, therefore, would be vacant. But if the defect be of a nature to be cured by this Act, it is tantamount to giving to the individual, and therefore to the community, the value of that land. It raises that class of lands to their natural value.

386. With respect to the assurance fund—Supposing you had granted an indefeasible title where there was another claimant who, by a suit at law, succeeded in gaining it, what amount would you have to pay—the value with the improvements? No; the value of the land in the state in which it was when the title was guaranteed to the holder.

387. Is it not desirable to have a clause in this Act fixing the value of the land? I think it will be difficult. It is left to a jury to state the value of the land. They would state what was the value of the land when he got his certificate of title, and he would be liable to pay that. If he had sold it in the interval, it would fall upon the assurance fund, and he would be free.

388. It was with that object I asked the question; I desired to know what amount the assurance fund would have to pay—whether it would have to pay the value with all the improvements? Not the value of the improvements put on after the land was brought under the Act, but only the value of the land in the state in which it was at the time it was brought under the Act. If at that time there were improvements, then the assurance fund would be levied on for the value of the land including those improvements.

389. I think you are not stating the law correctly. Supposing I am living in London, and leave land in the City of Sydney. On my return I find that some one has taken possession of it, and erected on it a costly building. I commence an action of ejectment, and can recover the land with all the improvements? We have had cases of that kind.

390. But supposing this had by some means or other been placed under the Real Property Act—would not the person claiming this land be able to recover from the assurance fund the full value of the land with all its improvements? No, he would not be able to recover the value

value of any improvement put upon the land after the date of its being brought under the Act. We do not disturb the status of parties when they bring land under the Act; we take them as they are, and say whatever you are liable for now you shall be liable for then. If you had already built on the land so circumstanced, you would have to pay to the assurance fund upon the value of the buildings you had put on, and when the rightful owner claimed he would get that amount. We only protect you for the future, and not for the past. We would not make the law *ex post facto*.

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391. There is no provision of that kind in the Act, I think? I think that is in it.

392. *By Mr. Dick*: He only gets the value of the land at the time it was brought under the Act? These things are involved in several clauses sometimes, as necessary inferences, without being expressed in so many words. In the 116th clause it is stated:—"Any person deprived of land or of any estate or interest in land in consequence of fraud or through the bringing of such land under the provisions of this Act or by the registration of any other person as proprietor of such land estate or interest or in consequence of any error omission or misdescription in any certificate of title or in any entry or memorial in the register book may in any case in which such land has been included in two or more grants from the Crown bring and prosecute an action at law for the recovery of damages against such person as the Governor may appoint as nominal defendant," and so on. I apprehend that bringing an action for "damages" would be the damages sustained at the time, which would be the value of the land when it was brought under the Act.

393. *By Mr. Holt*: I think that ought to be clearly stated. If you leave it to a jury they might give the full amount of damages, taking the value of the land at the time the action was brought, including all the improvements? The jury would only be entitled to determine the value of the land; the Judge would interpret the law.

394. Is there anything to prevent the case going to a jury to assess the value of the improvements effected on land—what I want to do is to encourage parties to improve? Yes.

395. If the land is in a very good situation, and parties consider it to their interest to erect a good building thereon, at the cost of some ten or twelve thousand pounds—? In the original Act which I drafted it was put more explicitly. It said that he should recover the value of the land at the time when it was brought under the Act; and the Chief Justice, Mr. Hanson, and others, replaced it as it is now, without expressing it in so many words. They say it is quite clear enough as it stands. We would not allow a person to lie by. There is a clause prohibiting persons from obtaining damages if it can be shown that they have knowingly lain by. But any person under disability of coverture or infancy, or unsoundness of mind, or absence from the Colony, may bring his action within six years from the time when his disability ceased. But any person would not succeed in an action at law, if it could be shown that he had notice and omitted to lodge his caveat, or if, having lodged his caveat, he had allowed it to lapse.

396. Or if out of the Colony? Yes, all persons under disability or out of the Colony, or in infancy, are exempted; but all adults not under disability and in the Colony, who have had notice, are bound by it.

397. I think that is all a person should be entitled to claim for? Yes; the damages would be those to which he was entitled at the time the action was commenced. It is in the matter of mortgage, however, that the highest value has been shown in dealing with land. A mortgage is such a very different thing under this Act to what it is under the old law; it is so readily convertible, and so easy to realize upon. In that the advantages of the Act are more immediately and more directly felt. It has only been four years in operation, and no doubt in process of time further advantages will be felt; but even now the effect has been marked, in raising values in the cases of defective evidence of title, and as regards mortgages.

398. Has it reduced the rate of interest also? Persons who have calculated the matter in England—Mr. Mill, the eminent political economist, the Law Amendment Society, and others—have said its effect would be to add five years purchase to the value of all lands in Great Britain. That you can find in Mr. Mill's work; and you will find a statement to the same effect in a report of the Law Amendment Society.

399. You spoke some time ago of land brokers: are they licensed by the Registrar General? I think it would be very disadvantageous to have land brokers at all; it would be unnecessarily taking away from the skilled conveyancers that which I think they have a reasonable ground for expecting to have continued to them, if they will do the work at a moderate rate. You can do the work yourself—all educated persons could do it—and therefore they would not submit to extortionate charges. In South Australia the whole profession abandoned it, and we were compelled to employ land brokers; persons who did not know how to read and write were of course put into such a position that they could not deal with their property without some such assistance; we did not then contemplate the ultimate effect of such an arrangement, but it has been the total destruction of the conveyancers; those who have no other branch are done for; their business is gone altogether; there are two of them in the Insolvent Court at present.

400. What fees are charged—are they regulated? The land brokers' fees are regulated; the solicitors' fees are not—they are left to the Judges, and we do not interfere with them at all.

401. Can you state what the land brokers' fees are? Yes.

402. They are not mentioned in this Act? No. I myself would deprecate, except under necessitous circumstances, the bringing forward of the land broker at all into such an Act. The fees are given in this little book (*Handy Book on Real Property Act in South Australia. Vide Appendix G*), in page 62. They range from 10s. to £1. The present bill is the result of the adverse and friendly criticism of a great part of the legal profession in the Colonies of South Australia, Tasmania, Victoria, and Queensland. The Attorney General

R. R. Torrens, General of Queensland went through it all, so also did the Solicitor General. The Attorney and Solicitor General of Tasmania have been through it, and so have our two Judges. Then we have had Mr. Allport, Mr. Fisher, Mr. Ireland, Mr. Fellowes, and all those legal gentlemen, trying to pick holes in it, and pointing out whatever they could against it; and wherever there was any reasonable, or even colourable pretence, almost, of an objection, we have altered it to meet their view.

Esq.
24 July, 1862.

403. *By Mr. Dick:* You spoke of several indexes? Yes, two.

404. The one containing the names of the parties, and the other being an index of the lands? Yes.

405. But you consider it one of the advantages of your system, that an index is not necessary at all—is it not so? An index is not necessary for the carrying out of the ordinary business. You do not want to search when you are going to deal. If you suspect that an insolvent is concealing his estate, or if a man is drowned somewhere, and there is no record of this property, you can discover the circumstances at once by a reference to the index under names.

406. Am I right in supposing that your system can be carried on without an index of the kind you have referred to? Yes.

407. Indexes are a great advantage, but they are not necessary to, neither do form any part of, the system? No.

408. Will you state why that is? Every person who has any estate or interest in land holds in his possession an instrument, evidencing that estate or interest, and upon that is placed the volume and folio of the register book, where the history of that estate will be found, so that every instrument is its own index.

409. And from that the whole history can be traced? Yes, at a moment; you have only to open the book. But then a person may lose the instrument, and forget the number. In that case, if he remembers the date on which he or any other person had a dealing with the land, we can go to the journal, and look about that date, and find the name and the property, and take up the clue in that way. The index would never be essentially necessary, but it facilitates the rapid transaction of business.

410. But still it is not necessary? Not at all.

411. I do not think you have told us the exact course pursued in the office in all cases. Supposing a proprietor in fee simple, having filled up a transfer to the purchaser, presents himself in the office, what is the course taken with reference to those documents until the issue of a new certificate—will you please to state that shortly? This, I understand, relates to land already under the Act.

412. Yes, in reference to land already under the Act? He would present the certificate of title of the land, together with the memorandum of transfer at the counter. He may, perhaps, fill it in at the counter. He will get the form if he asks for it, and an example to copy from.

413. Do you charge for the form? Yes, a shilling. The clerk at the counter would take the documents from him and peruse them, and see that the matter was done clearly and as it should be; he would also receive the fees, which in that case would be 30s.—10s. for the transfer form, and £1 for the title.

414. The fees are the same, no matter what may be the amount of purchase money? He would send this up to the solicitors, to compare and revise and certify it as a proper document for registration. The solicitors would immediately send it down with their initials, to the Deputy Registrar, who would enter the memorial in the register book, upon the duplicate of the existing certificate of title, and he would cancel it, and enter the like memorial in the hands of the party, and cancel it. Upon that being done, the solicitors would make out a fresh certificate of title; that would be examined by the solicitors and compared with their original draft; they would put their initials to it and certify the same; it would then go down to the Deputy Registrar, who would put upon it the volume and folium of the register book; the duplicate would be handed to the transferee, and the matter would be closed.

415. And the old certificate is retained in the office? It is retained in the office, stamped and cancelled.

416. And does not the clerk at the counter enter these applications in the journal? No; the clerk at the counter would enter them in the rough counter book. I have not described one or two rough books (waste books) which we keep in the office, to facilitate the dispatch of business. The journal is a book of great importance, because questions of law might arise as to the date—when an insolvency took place, for instance, or in reference to priority in incumbrances and mortgages. That is in the hands of the Deputy Registrar General. There is a counter book in which is entered the hour of the receipt of every document, and the hour when it is sent up to the solicitors, so as to keep all in check, and so that there may be no delay. When any complaint is made of delay, we look into the book and see who is at fault. Lest documents should be mislaid, there is a book in each department to show when documents are received and how disposed of. Everything is marked; and the Registrar General, every Monday morning, has laid on his table a list of every application and every dealing that has been detained forty-eight hours in the office, with the cause explained, and also showing in whose branch the delay has occurred, so that he may keep the work up.

417. And not fall into arrears? Nothing is allowed to fall into arrears.

418. The course on registering a mortgage would not be so long? No, because you have not to make out a certificate of title; a mortgage is done very rapidly.

419. Will you state the course with reference to a mortgage? The form of mortgage is filled in, and the certificate of title is handed to the chief clerk at the counter with it. He looks over the instrument, to see that it is properly drawn, and the fees are received.

420. How much are the fees? The fee for a mortgage is 10s.
421. And the same —? All the fees are paid beforehand.
422. No matter what the amount of mortgage may be? No matter what the amount. The instrument then goes up to the solicitors. The receipt of it at the counter is entered in this rough book. Applications, as I have before pointed out, are entered in the application book, but the dealings are not. The entries in the counter book are sent up at twelve o'clock. The solicitors look to see that they are correct, and put their initials, to warrant the Deputy Registrar General to enter the memorial, and it is entered in the register book, and on the duplicate of the certificate of title.
423. In the form marked at page 23—(*Handy Book on the Real Property Act of South Australia. Vide Appendix F.*)? Yes; he hands the mortgage to the mortgagee, and if there be any agreement between the parties that he shall hold the certificate, he hands that to him also. In ordinary cases the mortgagor gets the certificate.
424. It is also marked in exactly the same words on the back of the certificate, no matter to whom it is delivered? Yes.
425. Mr. Faucett asked you the other day whether all these fees could not be charged in one case. Of course that is impossible. The utmost fee for transferring, when land is under the Act, is 30s.? It is possible it may come to more in this case. A man may sell part only of the land included in an existing certificate of title. That would involve extra cost to him, because he would have to pay for the memorandum of transfer, 10s.; for a certificate of title to the purchaser of the portion sold, £1; and for a certificate of title to the vendor for the portion he retained, £1.
426. The vendor would have to pay that himself? Yes; that is the only way in which it can be made out that anything cumulative occurs with regard to this matter.
427. There is nothing compulsory, on the part of the vendor, to take out a new certificate? No.
428. He may leave the certificate with you, and sell a second portion? In practice it is done thus:—When a man lays out a township for sale, he has to deposit a map of that township, which will be examined by the draughtsman. If the draughtsman finds that it works to a scale, then the proprietor would have to declare, or get a licensed surveyor to declare, to the correctness of this plan. It must be on a scale sufficiently large to show all the streets and roads and boundaries, and all the lots must be numbered. When he proceeded to sell his lots he would take perhaps a quire or two of forms of transfer with him, and at the sale, as the auctioneer knocks down the lots, he can sit down and fill up these forms of transfer, and take the money. He has previously deposited his grant or certificate of the land, and simply hands a memorandum to each of the purchasers, and they pay the money across the counter. They send these in, and each gets a certificate for the piece of land he has bought; and upon the issue of each of these a cancelling memorial is entered on the certificate so deposited, and also on the duplicate of the certificate of title in the register book, distinguishing the piece which has been sold. The owner of this land may, however, not be able to sell all his lots at once, and he will then leave his certificate in the office until he does; or possibly he may never sell them, and may ask for a certificate of title for the unsold balance, which he can get by paying £1.
429. But you never issue a new certificate to the vendor and allow the old certificate to remain in the office? We never issue two certificates for the same land at the same time.
430. When a portion is sold, the original certificate in the book, as well as the duplicate, is indorsed with these words:—"This certificate of title is cancelled as regards the land (*describe it*) being portion of the land comprised in the above transfer, for which a fresh certificate of title is issued.—See vol. 31, and folio 184;" and that would be signed by the Deputy Registrar General? There is always that reference, for the guidance of any person, to show where the whole history is carried out; so that having once got the first entry on the register book, you can trace subdivisions and fresh combinations by those easy references.
431. *By Mr. Holt:* To discharge a mortgage would be the same as registering a mortgage, with this difference, that 5s. only would have to be paid? It would be more ready and simple. It would take much less time, for the discharge is simply a receipt for money paid, on the back of the instrument; there is no fresh instrument, therefore, to be prepared. It would go through the hands of the same officers, who would make the same entries upon it, and treat it in the same way; it seldom occupies more than five or ten minutes.
432. And the same with a transfer? The same with a transfer.
433. How are the solicitors paid? By salaries; the first solicitor has a thousand pounds a year. I imagine that the salaries which suffice in South Australia would not do here, because the officers are very much cut down there, so much so that all efficient men are leaving the public service and going into private employment. £280 a year is the sum given to first-class clerks. I have got two or three gentlemen in my office now who are just looking out for other employment. They are men that I picked for their high qualifications. The Government gave me a *carte blanche* to get whoever I pleased. I picked these men, and told them that they would have to begin low, but that I would use my efforts to get them proper remuneration. I have failed, and they have given me notice to leave.
434. *By Mr. Dick:* What is the salary of the Under Secretaries? The Chief Secretary gets £600, and the other Secretaries get £400. The chief clerks get only £280 a year, and I have got several men of that class in my office.
435. *By Mr. Holt:* Do you not think it would expedite the business if they were paid by fees rather than by salary? It would be difficult to adjust them.
436. You could take an average? It could hardly be adjusted. There is a good deal of work done by the solicitors that could scarcely be reduced to fees; they have to advise those who register, and run in and out constantly; parties come for various information

R. R. Torrens, Esq.
24 July, 1862.

about the title and procedure, which the solicitors only can afford. I think it will be better to have the solicitors remunerated with such a high salary as will secure the best talent the Colony can afford. Any attempt at economy in that way will be the greatest extravagance; you may lose more in a day, through an inefficient or careless man, and put the Colony to an expense greater than would pay a liberal salary to an efficient officer for three or four years.

437. *By the Chairman:* Did you say that the first solicitor got a thousand pounds a year? Yes; and the other gets £600.

438. *By Mr. Forster:* There is a gradation in rank; one is above the other? Yes; now it is proposed to put them both on a par. Mr. — resigned. He assigned as a reason that his salary was canvassed every year. He was a man of very high temper, and would not stand this badgering. He said he could earn a better income privately by his profession, and rather than have his salary discussed year after year, he resigned. He was a Chancery barrister of high standing.

439. Do you think it a good plan to fix salaries by law? In such a case as that it would be, because a man ought to have his position stable; he ought to be somewhat in the position of a Judge; it is so in the Act—he holds during good behaviour.

440. *By Mr. Holt:* But the amount of the salary is not fixed? No; I have just stated that I lost an eminent solicitor from that circumstance alone, and it would be well to prevent such an occurrence in future.

441. Mr. — was not dissatisfied with the amount of his salary, but objected to the way in which it was brought before the House? Yes.

442. *By Mr. Forster:* What do you consider to be the income of a solicitor in good practice in South Australia, now? They are falling down tremendously, but the best of the conveyancing solicitors get about £2,000 a year.

443. Now? A good conveyancing solicitor ranges from, at least, £800 to £2,000.

444. *By Mr. Holt:* At the present time, or previously? Conveyancing is now going altogether.

445. *By Mr. Forster:* At the time of the passing of the Act it was so? Yes; but these gentlemen of high legal attainments would not accept anything under £1,000 a year.

446. Do you say that the operation of this Act is driving lawyers away? Conveyancing lawyers. They have not been driven away by the operation of the Act. I do not think they would have lost anything if they had taken to the Act; but they combined, and resolved not to acknowledge it. We find that the effect of the law is to greatly multiply the number of transactions. For instance, now that it can be done cheaply, a man, instead of taking an agreement of a lease and making it out himself, will take out a lease. The land brokers do the business quite as well as the solicitors. The professional science of conveyancing is abolished by this Act, and the business is reduced to the same sort of thing as stockbroking in London.

447. Still you think there would be no dearth of employment for these gentlemen, or indeed for any good lawyers, if they took kindly to the other branches of business open to them? I think they would not lose much, but they would lose something. The difference would be this—They might discharge all, or nearly all, their clerks; they need not keep books, or have book debts, or advance money out of pocket. There is a solicitor in Adelaide who conducts his business thus:—When a man comes to transact business under the Act, the fee is 10s. or £1, and he says—Pay me my fee down: if you do not, and I have to give you credit, I shall charge you five guineas. He could fill up twenty of these things in a day, if he could get them to do; that would give him £20 a day, and he would not be hard worked. He would have no book debts, and he would need no clerk—only a boy, to run down to the office with his papers.

448. The result is, as you have described—more business and less law? Yes; there are more transactions, but the work done for each transaction is not anything like a tithe of what was done before.

APPENDIX.

A.
APPLICATION BOOK.

Application.		Name.	Residence.	Property.	Date of inser- tion in <i>Caveat</i> .	Caveat.		Certificate.				
No.	Date.					By whom lodged.	Date.	Period within which Caveat may be lodged.	Time for issue.	When issued.	Vol.	Folio.
3000	1862. Jan. 1	Andrew Barnes, Charles Dove, and Edwin Freer	Adelaide	Pl. Sec. 90, H. Kuitpo	1861. Jan. 6							
3020	" 5	Arch. Boyd	Clare	Sec. 7, H. Adelaide, and lot 13 Town- ship of Trim	" 6		Two months	Mar. 7	Mar. 9	XXXI.		60
3022	" 5	Anthony Dell and Charles Dunn	Woodside	Sec. 3, H. Kuitpo	" 6		One month	Feb. 7	Feb 12	XXXI.		4 & 5
					" 6		One month	" 7	" 12	XXXI.		50 & 51

B.

PROPERTY INDEX OF LAND BROUGHT UNDER THE REAL PROPERTY ACT.
ADELAIDE (HUNDRED OF.)

No. of Section.	Reference to Vol. and Fol. of Register Book.	No. of Section.
1	I. 24	
2	II. 47; V. 46; XI. 147	
3	Unley. See Townships, Vol. II., page 10	
4		
5		
6		
7		
8		
9		
10		
11		
12	Angaston. See Townships, Vol. 1, page 7	
13	II. 7; II. 9; XX. 15; XXI. 21	
14		
15		
16		
17		
18		
19		
ANGASTON (TOWNSHIP OF.)		
No. of Lot.	Reference to Vol. and Fol. of Register Book.	No. of Lot.
1	X. 241	
2	VIII. 243	
3		
4		
5	XX. 14	
6	XI. 47	
UNLEY PARK (VILLAGE OF.)		
No. of Lot.	Reference to Vol. and Fol. of Register Book.	No. of Lot.
1	X. 7	
2		
3		
4	XX. 143	
5		
6	XI. 47	
7	XIX. 45	
8		
9		

NOTE.—The Roman numerals refer to the Vol. of the Registry Book, the Arabic numerals to the Fol., as Lot 1, *Angaston*. See Vol. X., page 241. Where there are several references to one lot or section it shows that that lot or section has been subdivided, and that the pieces of the said lot or section have been brought under the Real Property Act at different times by various parties.

C.

C.

SOUTH [Royal Arms] AUSTRALIA.

LAND GRANT.

Register Book, Vol. II, Folio 54.

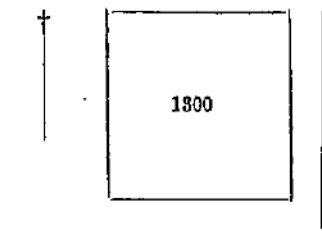
Know all men by these presents that Sir Richard Graves MacDonnell, Knight, Companion of the Most Honorable Order of the Bath, Captain General and Governor-in-Chief of the Province of South Australia, in consideration of the sum of eighty-five pounds sterling to the Treasurer on behalf of Her Majesty paid by John Smith, of Adelaide, carpenter, doth this seventh day of July, in the year of our Lord one thousand eight hundred and sixty-one, hereby in the name and on behalf of Her Majesty grant unto the said John Smith, all that section of land containing eighty acres, be the same a little more or less, and numbered 1,300, situate in the Hundred of Goolwa, County of Hindmarsh, and delineated in the public maps deposited in the Survey Office at Adelaide, and in the plan in the margin hereof, with all timber, minerals, and appurtenances, to hold unto the said John Smith, his heirs and assigns for ever.

Stamped with a copy of the Great Seal of the said Province, which stamp hath been duly authorized for that purpose by the said Sir Richard Graves MacDonnell, according to the provisions contained in the Land Grants Act.

As witness the hands of the Treasurer and Registrar General the day and year aforesaid.

T. R., Treasurer.

R. B. T., Registrar General.



TRANSFER No. 3061, dated the 15th day of March, 1862; produced the 16th day of March, 1862, at 10 o'clock a.m., from the above-named John Smith, to William Robinson, of Adelaide, carpenter, of the above section.

Consideration money paid, £200.

Entered the 16th day of March, 1862, at ten o'clock a.m.

W. B. T. A., Dep. Reg. Genl.

The above grant is cancelled and fresh certificate issued, vol. XXXI, folio 54.

W. B. T. A.,

Dep. Reg. Genl.

I acknowledge to have received from the above-mentioned John Smith the before-mentioned sum of eighty-five pounds sterling.

E. H. E., Under Treasurer.

Witness—W. E. M. F.

C.

SOUTH [Royal Arms] AUSTRALIA.

CERTIFICATE OF TITLE.

Register Book, Vol. XXXI, Fol. 4.

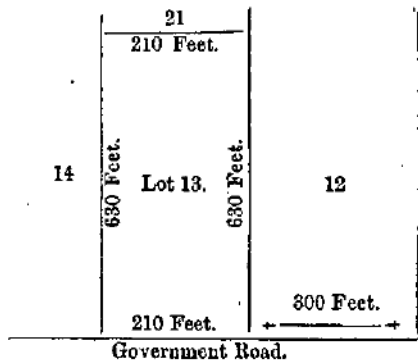
GEORGE HANSON, of Clare, gentleman, is now seised of an estate in fee simple, subject nevertheless to such encumbrances, liens, and interests, as are notified by memorial under written, or endorsed hereon, in that piece of land situate in the Hundred of Clare, being allotment numbered 13, Township of Clare, portion of section 99 in the said Hundred, which said piece of land contains three acres, or thereabouts, and is bounded as appears in the plan of the said township deposited in the General Registry Office, No. 150, of 1858; and on the plan in the margin hereof, and therein coloured green; which said section 99, is delineated on the public map of the said Hundred deposited in the office of the Surveyor General, and was originally granted the 18th October, 1842, under the hand and seal of Geo. Grey, Esq., formerly Governor of the said Province, to E. F.

In witness whereof I have hereunto signed my name and affixed my seal, this twelfth day of February, one thousand eight hundred and sixty-two.

R. B. T., (Seal)

Registrar General.

Signed in the presence of H. P. D., }
the 15th day of March, 1862.



The estate of the above-named George Hanson in the property described in this Certificate of Title became transmitted to J. B. S., Official Assignee, and J. B., Trade Assignee of the estate and effects of the said George Hanson, insolvent, as appears by a certified copy of the appointment of Assignees, dated the 15th day of June, 1862, produced the 20th day of June, 1862, and entered the same day at noon.

W. B. T. A., Dep. Reg. General.

C.

SOUTH [Royal Arms] AUSTRALIA.

CERTIFICATE OF TITLE.

Register Book, Vol. XXXI, Fol. 5.

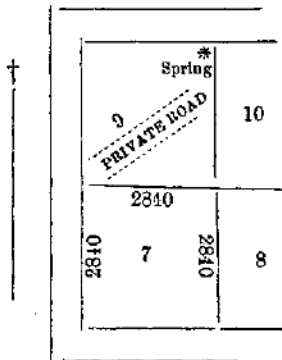
ARCHIBALD BOYD, of Clare, gentleman, is now seised of an estate in fee simple, subject nevertheless to such encumbrances, liens, and interests as are notified by memorial underwritten, or endorsed hereon, in that section of land situated in the Hundred of Adelaide, numbered 7, and containing 80 acres or thereabouts, together with right of way with horses, carriages, and cattle, over the private road across section 9 in the said Hundred, leading to the spring on the north-east corner thereof, and privilege

privilege to draw and remove water therefrom, and to water great and small cattle; which said section 7 is bounded as appears in the plan in the margin hereof, and is delineated in the public map of the said Hundred deposited in the office of the Surveyor General, and was originally granted the tenth day of December, 1840, under the hand and seal of George Gawler, formerly Governor of the said Province, to C— D—.

In witness whereof I have hereunto signed my name, and affixed my seal, this twelfth day of February, one thousand eight hundred and sixty-two.

R. R. T., (Seal)
Registrar General.

Signed in the presence of H. P. D., }
the 16th day of March, 1862. }



MORTGAGE No. 3060, dated the 15th day of March, 1862; produced the same day at noon from the above-named Archibald Boyd to William May, of Clare, farmer, principal sum secured, £500; date appointed for redemption, 15th March, 1863; rate of interest, £10 per centum per annum, payable half-yearly on 15th days of September and March.

Entered the 15th day of March, 1862, at noon.
W. B. T. A.,
Dep. Reg. General.

Transfer of the above Mortgage, No. 3060, by endorsement thereon, dated the 14th day of June, 1862, from William May, the above-named mortgagor, to John Cole, of Adelaide, gentleman.

Entered the 14th day of June, 1862, at eleven o'clock, a.m.

W. B. T. A., Dep. Reg. General.

Discharge of the above Mortgage, No. 3060, by receipt indorsed thereon for the whole of the money thereby secured. Dated the 4th day of August, 1862. Entered the same day, at noon.

W. B. T. A., Dep. Reg. General.

C.

SOUTH [Royal Arms] AUSTRALIA.

CERTIFICATE OF TITLE.

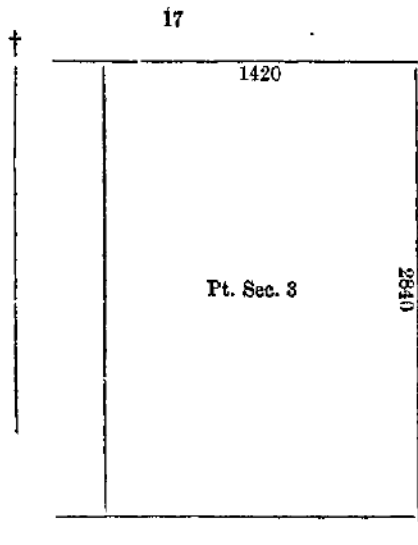
Register Book, Vol. XXXI, Fol. 50.

ANTHONY Bell, of Woodside, farmer, is now seised of an estate in fee simple, subject nevertheless to such encumbrances, liens, and interests as are notified by memorial underwritten or endorsed hereon, in that piece of land situated in the Hundred of Kuitpo, being the eastern moiety of the section numbered 3 in the said Hundred, and bounded as appears in the plan in the margin hereof and therein coloured green, which said piece of land contains forty acres or thereabouts, and measures as well on the north next part of section No. 17, as on the south next a Government road, severally fourteen chains and twenty links or thereabouts, as well on the east next a Government road as on the west next other part of the said section, severally twenty-eight chains and forty links or thereabouts; which said section is delineated in the public map of the said Hundred deposited in the office of the Surveyor General, and was originally granted the thirtieth day of March, 1840, under the hand and seal of George Gawler, Esq., formerly Governor of the said Province, to E— F—.

In witness whereof I have hereunto signed my name and affixed my seal this twelfth day of February, one thousand eight hundred and sixty-two.

R. R. T., (Seal)
Registrar General.

Signed in the presence of H. P. D., }
the 20th day of March, 1862. }



MORTGAGE No. 3000, dated the 5th day of January, 1862; produced the 12th February, 1862, at ten o'clock, a.m., from the above-named Anthony Bell to Alfred Johnstone, Thomas Stokes, and George Robinson, the present Trustees of the East Torrens Land Building and Investment Society. Principal sum secured, £100. Payment, 2s., on Wednesday in each week, according to the rules of the Society.

Entered the 12th day of February, 1862, at ten o'clock, a.m.

W. B. T. A.,
Dep. Reg. General.

C.

SOUTH [Royal Arms] AUSTRALIA.

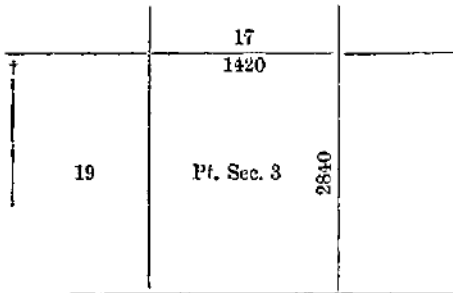
CERTIFICATE OF TITLE.
Register Book, Vol. XXXI. Fol. 51.

Charles Dunn, of Woodside, farmer, is now seised of an estate in fee simple, subject nevertheless to such encumbrances, liens, and interests, as are notified by memorial underwritten or indorsed hereon, in that piece of land situated in the Hundred of Kuitpo, County of Adelaide, being the western moiety of the section numbered 3 in the said Hundred, and bounded as appears in the plan in the margin hereof, and therein coloured green; which said piece of land contains forty acres, or thereabouts, and measures as well on the north, next part of section No. 17, as on the south, next a Government road, severally fourteen chains and twenty links, or thereabouts, and as well on east side thereof, next other part of the said section, as on the west side thereof, next the section No. 19, severally twenty-eight chains and forty links, or thereabouts; which said section is delineated in the public map of the said Hundred deposited in the office of the Surveyor General, and was originally granted the thirtieth day of March, 1840, under the hand and seal of George Gawler, Esquire, formerly Governor of the said Province, to E—F—

In witness whereof I have hereunto signed my name and affixed my seal, this twelfth day of February, one thousand eight hundred and sixty-two.

R. R. T., (Seal.)
Registrar General.

Signed in the presence of H. P. D., }
the 20th day of March, 1862: }



ENCUMBRANCE No. 3010, dated the 12th day of February, 1862; produced the same day at 10 o'clock a.m., from the above-named Chas. Dunn, to secure to Mary Dunn, his wife, and Anne Dunn, his daughter, respectively, an annuity of £100, as therein mentioned.

Entered the 12th day of February, 1862, at 10 o'clock a.m.

W. B. T. A.,
Dep. Reg. General.

Power of Attorney No. 1300, dated the 24th day of March, 1862; produced 26th day of March, 1862, from the within-named Charles Dunn to Thomas Robinson, of Adelaide. Entered the 20th day of March, 1862, at noon.

W. B. T. A.,
Dep. Reg. General.

TRANSFER No. 3102, dated the 26th day of March, 1862; produced the same day at noon, from the above-named Charles Dunn, by his attorney Thomas Robinson, to William Smith, of Kapunda, farmer, of the above-described land. Consideration money paid, £100. Entered the 26th day of March, 1862, at noon.

W. B. T. A.,
Dep. Reg. General.

This Certificate of Title is cancelled, and fresh Certificate of Title issued, Vol. XXXI, Fol. 200.

W. B. T. A.,
Dep. Reg. General.

C.

SOUTH [Royal Arms] AUSTRALIA.

CERTIFICATE OF TITLE.
Register Book, Vol. XXXI. Fol. 60.

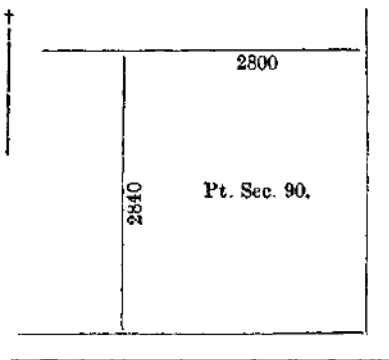
NO SURVIVORSHIP.

Andrew Barns, Charles Dove, and Edwin Frear, of Adelaide, gentlemen, are now seised of an estate in fee simple, subject nevertheless to such encumbrances, liens, and interests, as are notified by memorial underwritten or indorsed hereon, in that piece of land situated in the Hundred of Kuitpo, County of Adelaide, being portion of the section No. 90 in the said Hundred, and bounded as appears in the plan in the margin hereof, and therein coloured green; which said piece of land contains seventy-nine acres or thereabouts, and measures as well on the north, next section No. 30, as on the south, next a Government road, severally twenty-eight chains, and as well on the east, next a Government road, as on the west, next other part of the said section, severally twenty-eight chains and forty links or thereabouts; which said section No. 90 is delineated in the public map of the said Hundred deposited in the office of the Surveyor General, and was originally granted the 7th day of May, 1840, under the hand and seal of George Gawler, Esquire, formerly Governor of the said Province, to Luke Matthew.

In witness whereof I have hereunto signed my name and affixed my seal, this ninth day of March, one thousand eight hundred and sixty-two.

R. R. TORRENS, (Seal.)
Registrar General.

Signed in the presence of H. P. D., }
the 9th day of March, 1862. }



Scale.

X No. 350, dated the 20th day of August, 1862; produced the same day, and entered at 11 o'clock a.m.

W. B. T. A.,
Dep. Reg. General.

The above Caveat was withdrawn on 14th September, 1862, at noon.

W. B. T. A.,
Dep. Reg. General.

C. SOUTH [Royal Arms] AUSTRALIA. CERTIFICATE OF TITLE.

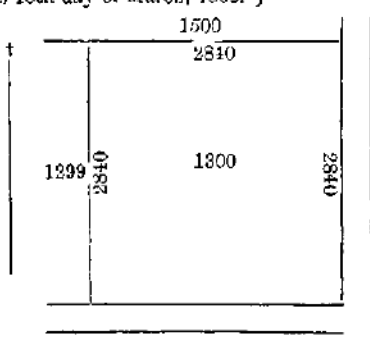
Register Book, Vol. XXXI, Fol. 84.

Pursuant to Memorandum of Transfer, No. 3061, dated the 15th day of March, 1862, from John Smith, William Robinson, of Adelaide, carpenter, is now seized of an estate in fee simple, subject nevertheless to such encumbrances, liens, and interests, as are notified by memorial underwritten or indorsed hereon, in that section of land, situated in the Hundred of Goolwa, County of Hindmarsh, numbered 1300, and containing eighty acres or thereabouts; which said section is bounded as appears in the plan in the margin hereof, and is delineated in the public map of the said Hundred deposited in the office of the Surveyor General, and was originally granted the seventh day of July, 1861, under the Great Seal of the said Province, to the said John Smith.

In witness whereof I have hereunto signed my name and affixed my seal, this eighteenth day of March, one thousand eight hundred and sixty-two.

R. R. T., (Seal) Registrar General.

Signed in the presence of H. P. D., } this 18th day of March, 1862. }



LEASE No. 3070, dated the 20th day of March, 1862; produced the same day at ten o'clock a.m., from the above-named William Robinson to Thomas Jones of Adelaide, of the northern moiety of the above section; term, 5 years; rent, £20 per annum, payable half-yearly, on 20th days of September and March; right of purchase at £200. Entered the 20th day of March, 1862, at ten o'clock a.m.

W. B. T. A., Dep. Reg. General.

MORTGAGE No. 3064, dated the 21st day of March, 1862; produced the same day at noon, from the above-named William Robinson to James Smith, of Adelaide, grocer, of the northern moiety of the above section. Principal sum secured, £150; date appointed for redemption, 21st March, 1863; rate of interest, £10 per centum per annum, payable half-yearly, on 21st days of September and March. Entered the 21st day of March, 1862, at noon.

W. B. T. A., Dep. Reg. General.

TRANSFER No. 3090, dated the 23rd day of March, 1862; produced the 24th day of March, 1862, at noon, from the within-named William Robinson to John Morris, of Kapunda, blacksmith, of the northern moiety of the within-described section. Consideration money paid, £200. Entered the 24th day of March, 1862, at noon.

W. B. T. A., Dep. Reg. General.

This certificate of title is cancelled as regards the piece of land comprised in the above transfer, for which a fresh certificate of title is issued. Vol. XXXI, fol. 184.

W. B. T. A., Dep. Reg. General.

C. SOUTH [Royal Arms] AUSTRALIA. CERTIFICATE OF TITLE.

Register Book, Vol. XXXI, Fol. 184.

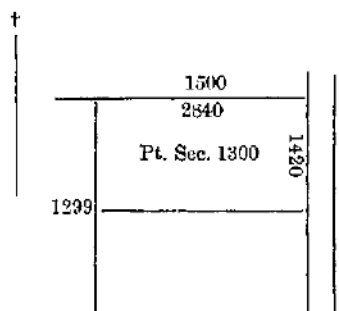
Pursuant to Memorandum of Transfer No. 3090, dated the twenty-third day of March, 1862, from William Robinson,

John Morris, of Kapunda, blacksmith, is now seized of an estate in fee simple, subject nevertheless to such encumbrances, liens, and interests, as are notified by memorial underwritten or indorsed hereon, in that piece of land situated in the Hundred of Goolwa, County of Hindmarsh, being portion of the section numbered 1300 in the said Hundred, and bounded as appears in the plan in the margin hereof and therein coloured green, which said piece of land contains forty acres or thereabouts, and measures as well on the north next section 1500, as on the south next other part of the said section 1300, severally twenty-eight chains and forty links or thereabouts, and as well on the east next a Government road, as on the west next portion of section 1299, severally fourteen chains and twenty links or thereabouts; which said section 1300 is delineated in the public map of the said Hundred, and was originally granted the seventh day of July, 1861, under the Great Seal of the said Province, to John Smith.

In witness whereof I have hereunto signed my name and affixed my seal, this twenty-sixth day of March, one thousand eight hundred and sixty-two.

R. R. T., (Seal) Registrar General.

Signed in the presence of H. P. D., } the 26th day of March, 1862. }



LEASE No. 3070, dated the 20th day of March, 1862; produced the same day, at ten o'clock a.m., from the above-named William Robinson to Thomas Jones, of Adelaide, of the above-described land; term, 5 years; rent, £20 per annum, payable half-yearly, on the 20th days of September and March; right of purchase at £200. Entered the 20th day of March, 1862, at ten o'clock a.m.

W. B. T. A., Dep. Reg. Genl.

MORTGAGE No. 3034, dated the 21st day of March, 1862; produced the same day at noon, from the above-named William Robinson to James Smith, of Adelaide, grocer; principal sum secured, £150; date appointed for redemption, 21st March, 1863; rate of interest, 10 per centum per annum, payable half-yearly, on 21st days of September and March. Entered the 21st day of March, 1862, at noon.

W. B. T. A., Dep. Reg. General. Transfer

Transfer of the within Lease No. 3070, by indorsement thereon, dated 20th July, 1862, from Thomas Jones to John Cox, of Adelaide, baker. Entered the 20th day of July, 1862, at noon.

W. B. T. A., Dep. Reg. General.

Surrender of the above Lease 3070, by indorsement thereon, dated the 24th July, 1862, from John Cox, the above transferrer, to John Morris. Entered the 25th day of July, 1862, at noon.

W. B. T. A., Dep. Reg. General.

C.

SOUTH [Royal Arms] AUSTRALIA.

CERTIFICATE OF TITLE.

Register Book, Vol. XXXI., Folio 200.

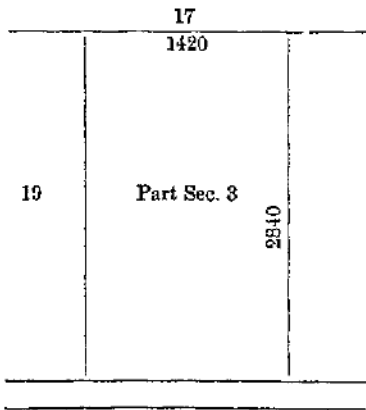
Pursuant to Memorandum of Transfer No. 3102, dated the twenty-sixth day of March, 1862, from Charles Dunn,

William Smith, of Kapunda, farmer, is now seised of an estate in fee simple, subject nevertheless to such encumbrances, liens, and interests, as are notified by memorial underwritten or indorsed hereon, in that piece of land situated in the Hundred of Kuitpo, County of Adelaide, being the western moiety of the section numbered 3 in the said Hundred, and bounded as appears in the plan in the margin hereof, and therein coloured green, which said piece of land contains forty acres or thereabouts, and measures as well on the north next part of section 17, as on the south next a Government road, severally fourteen chains and twenty links or thereabouts; and as well on the east, next other part of the said section, as on the west side thereof, next section 19, severally twenty-eight chains and forty links or thereabouts; which said section 3 is delineated in the public map of the said Hundred deposited in the office of the Surveyor, and was originally granted the thirtieth day of March, 1840, under the hand and seal of George Gawler, Esq., formerly Governor of the said Province, to E. F.

In witness whereof, I have hereunto signed my name and affixed my seal, this twenty-eighth day of March, one thousand eight hundred and sixty-two.

R. R. T., (Seal)
Registrar General.

Signed in the presence of H. P. D., the 26th day of March, 1862.



ENCUMBRANCE No. 3010, dated the 12th day of February, 1862; produced the same day, at 10 o'clock, a.m., from the above-named Charles Dunn, to secure to Mary Dunn, his wife, and Anne Dunn, his daughter, respectively, an annuity of £100, as therein mentioned.

Entered the 12th day of February, 1862, at 10 o'clock a.m.

W. B. T. A., Dep. Reg. Genl.

SOUTH [Royal Arms] AUSTRALIA.

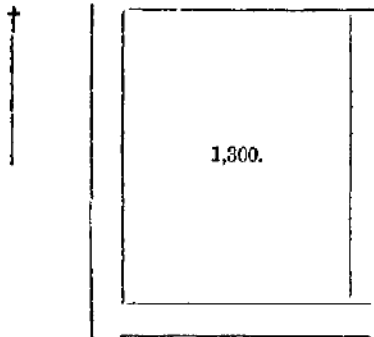
LAND GRANT.

Register Book, Vol. XXXII., Folio 15.

Know all men by these presents, that Sir Richard Graves MacDonnell, Knight, Companion of the Most Honorable Order of the Bath, Captain-General and Governor-in-Chief of the Province of South Australia, in consideration of the sum of one hundred and fifty pounds sterling, to the Treasurer on behalf of Her Majesty, paid by Peter Jones, of Macclesfield, farmer, doth this thirteenth day of June, in the year of our Lord one thousand eight hundred and sixty-two, hereby in the name and on behalf of Her Majesty, grant unto the said Peter Jones all that section of land containing eighty acres, be the same a little more or less, and numbered 1300, in the Hundred of Hanson, County of Stanley, and delineated in the public maps deposited in the Survey Office at Adelaide, and in the plan in the margin hereof, together with all timber, minerals, and appurtenances, to hold unto the said Peter Jones, his heirs and assigns, for ever.

Stamped with a copy of the Great Seal of the said Province, which stamp hath been duly authorized for that purpose by the said Sir Richard Graves MacDonnell, according to the provisions contained in the Land Grants Act. As witness the hands of the Treasurer and Registrar General, the day and year aforesaid.

T. R., Treasurer.
R. R. T., Registrar General.



TRANSFER No. 3,200, dated the 19th day of September, 1862; produced the 20th day of September, 1862, at noon, from the above-named Peter Jones, granting to John Smith and all others, owners or occupiers of section 1,301, in the said Hundred, a right of way to a Well situated on the said section 1,300.

Entered the 20th day of September, 1862, at noon.
W. B. T. A., Dep. Reg. Genl.

I acknowledge to have received from the above-mentioned Peter Jones the before-mentioned sum of one hundred and fifty pounds.

E. W. H., Under Treasurer.

Witness—W. M. F.

SOUTH [Royal Arms] AUSTRALIA.

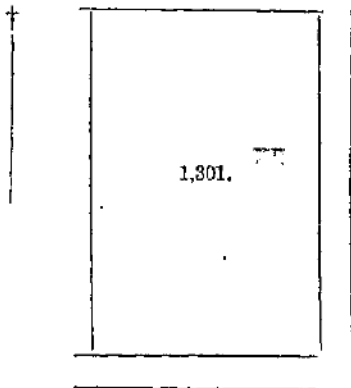
LAND GRANT.

Register Book, Vol. XXXII., Folio 16.

Know all men by these presents, that Sir Richard Graves MacDonnell, Knight, Companion of the Most Honorable Order of the Bath, Captain-General and Governor-in-Chief of the Province of South Australia, in consideration of the sum of eighty pounds five shillings sterling, to the Treasurer on behalf of Her Majesty paid by John Smith, of Adelaide, gentleman, doth this thirteenth day of June, in the year of our Lord one thousand eight hundred and sixty-two, hereby in the name and on behalf of Her Majesty, grant unto the said John Smith all that section of land containing eighty acres, be the same a little more or less, and numbered 1815, in the hundred of Hanson, county of Stanley, and delineated in the public maps deposited in the Survey Office at Adelaide, and in the plan in the margin hereof, together with all timber, minerals, and appurtenances, to hold unto the said John Smith, his heirs and assigns, for ever.

Stamped with a copy of the Great Seal of the said Province, which stamp hath been duly authorized for that purpose by the said Sir Richard Graves MacDonnell, according to the provisions contained in the Land Grants Act. As witness the hands of the Treasurer and Registrar General the day and year aforesaid.

T. R., Treasurer.
R. R. T., Registrar-General.



TRANSFER 3,200, dated the 19th day of September, 1862. Produced the 20th day of September, 1862, at noon, from Peter Jones, the registered proprietor of section 1,300 in the said hundred, granting to the above-named John Smith and all others, the owners and occupiers of said section 1,301, a right of way to a Well situated on the said section 1,300. Entered the 10th day of September, 1862, at noon.

W. B. T. A., Dep. Reg. Genl.

I acknowledge to have received from the above-mentioned John Smith the before-mentioned sum of eighty pounds five shillings.

E. W. H., Under Treasurer.

Witness—W. T. M. F.

D.
JOURNAL.

Date.	Time.	Name.	Capacity.	Opposite Party.	Property.	No. and Nature of Instruments.	Register Book.		Register Book.	
							Vol.	Fol.	Vol.	Fol.
1862.										
July 7		Smith, John			Sec. 1300, H. Goolwa	G	Vol. II	Fol. 54		
1862.										
Feb. 12		Hanson, George			Lot 13, Township Trlm	C	xxxii	4		
"		Boyd, Archibald			Sec. 7, H. Adelaide	"	"	5		
"		Bell, Anthony			Pt. Sec. 3, H. Kuitpo	"	"	50		
"		Dunn, Charles			" 3, "	"	"	51		
"	10 a.m.	Bell, Anthony	Mortgagor	East Torrens Building Society	" 3, "	M	3000	"	50	
"	10 a.m.	Dunn, Charles	Encumbrancer.	Mary and Anne Dunn	" 3, "	E	3010	"	51	
Mar. 9		Barna, A., Dove, C. and Freer, E.			Sec. 90.	C	"	60		
"	Noon.	Boyd, Archibald	Mortgagor	Wm. May	" 7, H. Adelaide	M	3060	"	5	
"	18	Smith, John	Vendor	Wm. Robinson	" 1,300, H. Goolwa	T	3001	11	59	xxxii 84
"	20 10 a.m.	Robinson, William	Lessor	Thos. Jones	Pt. Sec. 1300, "	L	3070	xxxii	83	
"	21 Noon.	Robinson, William	Mortgagor	James Smith	" 1300, "	M	3084	"	84	
"	24	Robinson, William	Vendor	John Morris	" 1300, "	T	3090	"	85	xxxii 184
"	26	Dunn, Charles	Vendor	Thomas Robinson	" 3, H. Kuitpo	P	3100	"	81	
"	"	Dunn, Charles	Vendor	William Smith	" 3, "	T	3102	"	51	xxxii 200
June 13	11 a.m.	May, William	Transferor	John Cole	Sec. 7, H. Adelaide	TM	3060	"	5	
July 20	Noon.	Jones, Thomas		John Cox	Pt. Sec. 1300, H. Goolwa	TL	3070	"	184	
"	25	Cox, John		John Morris	" 1300	SL	3070	"	184	
Aug. 4		Cole, John		A. Boyd	Sec. 7, H. Adelaide	D	3060	"	5	
"	20 11 a.m.	Finney, John			Pt. Sec. 90, H. Kuitpo	N	3150	"	60	
Sept. 15		Jones, Peter			Sec. 1300, H. Hanson	G	xxxii	16		
"	"	Smith, John			" 1801, "	"	"	"	16	
"	20 Noon.	Jones, Peter	Vendor	John Smith	Right of way over Sec. 1300, H. Hanson	T	3200	"	10	

NOTE EXPLANATORY OF DISCRIMINATING LETTERS.—G signifies Grant from the Crown; C, Certificate of Title; T, Transfer of the Fee; L, Lease; TL, Transfer of a Lease; SL, Surrender of a Lease; ML, Mortgage of a Lease; M, Mortgage; TM, Transfer of Mortgage; E, Encumbrance; TE, Transfer of an Encumbrance; D, Discharge of Mortgage or Encumbrance; P, Power of Attorney; R, Registration Abstract; A, Appointment of Assignees or Administrators; X, a Caveat; Z, a Deed declaratory of Trusts, or any instrument deposited for safe custody and reference, without being registered.

INDEX.

Under Names of Proprietors.

Nature of Instrument.		Property.	No. of Instrument.	Register Book.	
				Vol.	Folio.
C		<i>Barns, Andrew</i> Sec. 90, H. Kuitpo		XXXI.	60
C		<i>Bell, Anthony</i> Pt. Sec. 3, H. Kuitpo		XXXI.	50
C		<i>Boyd, Archibald</i> Sec. 7, H. Adelaide		XXXI.	5
M	D	<i>Cole, John</i> Sec. 7, H. Adelaide	3060	XXXI.	5
L	SL	<i>Cox, John</i> Pt. Sec. 1300, H. Goolwa	3070	XXXI.	184
C		<i>Dove, Charles</i> Sec. 90, H. Kuitpo		XXXI.	60
C		<i>Dunn, Charles</i> Pt. Sec. 3, H. Kuitpo		XXXI.	51
P		To Thos. Robinson	3100	"	51
E		<i>Dunn, Mary and Anne</i> Pt. Sec. 3, H. Kuitpo	3010	XXXI.	51
M		<i>East Torrens Building Society</i> Pt. Sec. 3, H. Kuitpo	3000	XXXI.	50
C		<i>Freer, Edwin</i> Sec. 90, H. Kuitpo			
C		<i>Hanson, George</i> Lot 13, Township Trim		XXXI.	4
L	TL	<i>Jones, Thomas</i> Pt. Sec. 1300, H. Goolwa	3070	XXXI.	84
M	TM	<i>May, William</i> Sec. 7, H. Adelaide	3060	XXXI.	5
T		<i>Morris, John</i> Pt. Sec. 1300	3090	XXXI.	184
T		<i>Robinson, William</i> Sec. 1300, H. Goolwa	3061	XXXI.	84
G		<i>Smith, John</i> Sec. 1300, H. Goolwa		II.	64
M		<i>Smith, James</i> Pt. Sec. 1300	3084	XXXI.	84
T		<i>Smith, William</i> Pt. Sec. 3, H. Kuitpo	3102	XXXI.	200
Transmission		<i>Spence, J. B.</i> Lot 13, Township Trim		XXXI.	4
X		<i>Wincey, John</i> Pt. Sec. 90, H. Kuitpo	3150	XXXI.	60

E.

INSTRUCTIONS FOR THE OFFICERS OF THE LANDS TITLES DEPARTMENT.

1. Applications, with accompanying diagrams, deeds, and instruments, will be received by the Secretary, who will point out for immediate correction any deficiency or error that may be perceived by him upon a preliminary examination.

2. The Secretary will make out the note of charges to be paid to the Receiver, and upon sight of his acknowledgement for the amount, will enter the particulars in the application book, and pass the application and other documents to the Draughtsman.

3. The Draughtsman, if he finds the description of the parcels on the application and diagram to be sufficient, and to be consistent with such description as may be afforded in the deed, will certify to that effect on the application, and pass the case to the Solicitors; otherwise, he will move the Registrar General to call upon the parties for explanations, or to remedy such defects or deficiencies as may have been detected.

4. It is an especial duty of the Draughtsman to note whether the parcels described in any application encroach on the boundaries of land already under the provisions of the Act, and whether district and other roads that may have been opened over the land since the date of the original grant are correctly shown on the diagrams. When satisfied in these respects, he will pass on the application and deeds, with his report and diagram, to the Solicitors; he will also prepare copies of diagrams to be forwarded to proprietors of contiguous lands, District Councils, and others, as may be directed by the Board.

5. All maps of townships, deposited in terms of the 102nd section of the Real Property Act, must be tested by the Draughtsman before they are numbered or received for registration.

6. The Solicitors will examine the title of the applicant—paying especial attention to identity of parcels and descriptions of boundaries—calling upon the applicant for such explanations and further evidence of title as in their judgment may be necessary or desirable.

7. Assisted by their Clerk, they will institute a careful search in the General Register, and draw up a report on the case to be submitted, together with a statement of the search in detail, for the consideration of the Lands Titles Commissioners.

8. Each report should be signed by both Solicitors, and should state whether the title is found consistent with the statements made in the application, and set forth any discrepancy, defect, or occasion of doubt disclosed by the deeds, or discovered in the course of the inquiry, and the names of all persons upon whom notice of the application should be served, distinguishing whether personally or by registered letter.

9. The decisions of the Board, upon the cases brought before them by the Solicitors, will be recorded by the Secretary in the minute book, for the guidance of the Registrar General.

10. The Secretary will prepare the advertisements in accordance with the minutes, and submit the same for examination to the Solicitors, who will pay especial attention to description of parcels given, taking care that the notice may be as complete as possible, and in the most condensed form of words. They will affix their initials to the draft advertisement, signifying their approval of the same.

11. It is the duty of the Secretary to cause copies of all application notices to be exposed in the Long Room of the Registry Office, in the Land Office, in the Supreme Court, at the General Post Office, and in the Exchange; also, to forward such notices, with tracings of diagrams, by letter, to District Councils and Corporations, and also by registered letter to the occupiers of the land applied for when the occupier is not the applicant, to the occupiers and owners of land having contiguous boundaries, so far as known, and to such persons as the Board may direct, and to cause personal service of such notice whenever required by the applicant or directed by the Board.

12. The Secretary will be careful to check the notices published in the *Gazette* and in the newspapers, and will report any error or omission for the consideration of the Registrar General.

13. Caveats, forbidding the bringing of land under the provisions of the Act, must, immediately on receipt, be referred by the Secretary to the Solicitors, who, if they find the same formally correct, and that the parties claim to have such interest in the land as may entitle them to caveat, will notify that such is the case by affixing their initials—otherwise they will report the case to the Registrar General.

14. Upon return of the caveat, initialled by one of the Solicitors, the Secretary will enter the same in the application book, and prepare the notice of caveat, to be signed by the Registrar General, and forwarded to the applicant proprietor per post.

15. The Secretary will, each Friday, furnish the Solicitors with a list of all applications in respect to which the period limited by the Board for lodging caveat has expired.

16. The Solicitors will, thereupon, draft Certificates of Title in the names of the applicants, or of such persons as they, by writing under their hand, may appoint; taking especial care that all leases, encumbrances, or other estates or interests, current or outstanding, are notified by memorial on such certificates.

17. The Certificates of Title, when engrossed in original and duplicate, will be compared with the draft by the Solicitors, who will also examine the diagram to see that it corresponds with the description of parcels, and will certify the correctness of the same by affixing their initials.

18. The Draughtsman will, on each Wednesday, furnish to the Secretary a list of such Certificates of Title, requiring to be signed in public, after seven days' notice, in terms of the 123rd section of the Act, as will be prepared to be so signed upon the Friday of the week following.

19. Upon the day appointed in the notice, final search will be made to ascertain that no instrument affecting the property has been registered since the previous examination; and the Certificate of Title, with the notification of final search, will then be presented to the Registrar General to be signed by him in the public office, and will then be marked by the Deputy Registrar with the volume and folium of the register book in which they are embodied.

20. The Deputy Registrar of Deeds will then note upon the latest memorial affecting the property the date of the Certificate of Title, bringing the same under provisions of the Real Property Act, and the volume and folio of the register book where it may be found; for this purpose the Certificate of Title will be handed to him so soon as registered, together with the memorandum of search by the Solicitors.

21. Whenever notice of agreement to mortgage, or to create any lien, estate, or interest in the land has been given on the application, or subsequently, the deeds given in with the application will be held as on equitable deposit as security for the intending mortgagee until the Certificate of Title is registered, and the Certificate of Title will be retained by the Secretary until such agreement is fulfilled, or the release from it certified by the parties interested.

22. Certificates of Title will be delivered only to the party in whose name they are made out, or to his order, or to his Solicitor or Licensed Broker.

23. Upon the Certificate of Title being embodied in the register book, the Deputy Registrar will stamp as cancelled all the deeds and instruments of title surrendered by the applicant proprietor, and will place these, together with the application, the diagram, the Solicitors' draft certificate, note of search, report to the Board, abstract of title or list of deeds, and all other instruments relating to the case, in a proper envelope, docketed with the number of the application, the name of the applicant, and of the person to whom certificate has been issued, the date thereof, and the volume and folio of the register book constituted thereby.

24. Whenever deeds deposited relate to other property besides that brought under the Real Property Act, the Solicitor will indorse the memorandum cancelling the same, so far as regards the portion brought under the Act, and forward them to be stamped by the Deputy Registrar, and returned to the parties entitled to receive them.

25. The Secretary will note in the application book the lapse, withdrawal, or discharge of caveat forbidding the bringing of land under the Act, date of the certificate issued pursuant to the application, and the volume and folio of the register book where it may be found.

26. The Indexing Clerk will enter the particulars of certificates bringing land under the Act in the journal and in the index under names, and in the index of lands under the Act.

27. In order that the Registrar General may be cognizant of the progress of business, the Solicitors' Clerk will lay before him, each Monday, a list of all applications on hand ten days or upwards without being presented to the Board—stating the cause of delay, and the steps taken to remove it; also a list of all Certificates of Title due eight days or upwards, with the cause of delay, and the steps taken to remove it. The Draughtsman will countersign this list whenever the case is delayed by any cause coming under his branch of the service.

INSTRUCTIONS FOR OFFICERS REGISTERING DEALINGS WITH LAND UNDER THE REAL PROPERTY ACT.

28. All instruments purporting to deal with any estate or interest in land under the Real Property Act, will be received by the Secretary, who will give to them a preliminary examination, to see that they are free from erasures, legibly written, properly witnessed and proved, and certified correct for registration by the parties claiming interest, or by a Solicitor or Licensed Broker; also that they are accompanied by diagrams when necessary, and by grants or other instruments of title whenever the nature of the transaction requires the presentation of instruments of title for deposit, surrender, or indorsement of memorial.

29. When satisfied in these particulars, the Secretary will affix his initials, make out the charge note of fees, and pass the instruments to the Receiver; who, upon the receipt of the amount, will forward the same to the Draughtsman. The Draughtsman, if he finds the diagrams and descriptions of parcels correct, will affix his initials and pass the documents for final examination by the Solicitors.

30. The Solicitors will compare the original and duplicate, see that the instrument sets forth the intention in clear and explicit language, that the parties are legally in a position to deal as proposed in the instrument, and that the latter is in all respects correct for the purpose of registration. If satisfied in these particulars the Solicitors will signify approval by affixing their initials, and pass the papers to the Deputy Registrar; otherwise they will move the Registrar General to call upon the parties to correct any error or supply any deficiency detected during the examination.

31. The Deputy Registrar will number, in consecutive series, such instruments as are certified by the Solicitors for registration or to be filed; he will then prepare the memorial appropriate to the case, and enter the same on the proper folium of the register book, and on the grant or certificate, whenever by law required.

32. He will then indorse the instrument with the certificate of registration, stating the date thereof, and the volume and folium of the register book, where the memorial has been recorded. All entries in the register book, and on any grant or certificate of title, must be signed by the Registrar General or Deputy Registrar.

33. All certificates of registration, indorsed on instruments, must be authenticated by the seal of office and by the signature of the Registrar or Deputy Registrar.

34. Duplicates or attested copies of powers of attorney will be examined and compared by the Solicitors, initialled, and passed to the Deputy Registrar General, who will enter on the appropriate folium of the register book a memorandum of the particulars, with the date and hour of the deposit of the instrument with him.

35. Caveats forbidding dealings with land under the provisions of the Act will be forwarded by the Secretary to the Solicitors, who, if they find the parties entitled to caveat, and the instruments to be formal and correct, will affix their initials and pass them to the Deputy Registrar. The Deputy Registrar will enter on the appropriate folium of the register book a cross in red ink, with the number of the caveat, and the date and hour of its deposit with him. He will then forward to the caveatee the notice required by the 82nd section of the Act.

36. The Indexing Clerk will record in the journal, in numerical order according to date of their receipt for registration, the particulars of each transaction, giving the reference to the register book where the memorial may be found; he will likewise post the like particulars in the index under names daily.

37. The Deputy Registrar, if required, will give certificate of search under his hand, when satisfied that the prescribed fees have been paid.

38. The Clerk of Records will attend and assist parties making general search in the index of names, or special search in any specified folium of the register book, or requiring perusal of any duplicate instrument, upon being satisfied that the fees 5s. or 2s. prescribed for each case respectively have been paid.

39. The Record Clerk is responsible for the custody and preservation in order, according to their numbers, of all parcels of deeds surrendered upon bringing land under the Act, and of all instruments received from the Deputy Registrar to be filed or deposited.

R. R. TORRENS, Registrar General.

F.

INFORMATION FOR PERSONS DESIROUS TO AVAIL THEMSELVES OF THE PROVISIONS OF THE ACT.

CIRCULAR LETTER No. 1.

Instructions for guidance in bringing Land under the Act.

1. Applications should be clearly and grammatically expressed, and written in a plain legible hand. No application on which an erasure is detected will be received, but mistakes may be corrected by scoring the pen through the words written in error, and writing the correct words over them. The number of words scored out or interlined must be stated in the margin, or at the foot of the application, and signed by the applicant.

2. By the 107th section of the Real Property Act of 1861 the Registrar General is prohibited from receiving any application to bring land under the provisions of that Act unless it be indorsed with a certificate that the same is correct for the purposes of that Act, signed by the applicant proprietor, or by his solicitor, or by a licensed sworn broker employed by him.

3. The same section subjects to a penalty not exceeding £50 any person who shall *falsely* or *negligently* certify to the correctness of any application; and persons transacting business are cautioned that this penalty will be enforced, more especially in case of misdescription of land or boundaries.

4. Any person may bring under the provisions of the Real Property Act land of which he is the proprietor in fee or for a life estate.

5. If the land be vested in the applicant as a trustee only, and the trust deed does not contain powers of sale and absolute disposal, all persons beneficially entitled must concur in the application; but if the trust deed vests in the trustees power of sale and absolute disposal, such consent is not necessary. The trustees or the party transferring the property to be held in trust may, at the time of making the application, or subsequently, require the words "no survivorship" to be entered on the certificate of title; the effect of which will be, that, in the event of the death, resignation, or incapacity of any trustee, the remaining trustees cannot, without the express sanction of the Supreme Court, dispose of or deal with the property until the original number of trustees is made up in manner prescribed in the 85th section of the Act; caveat may also be lodged by the party conveying, or by any trustee or beneficiary forbidding any dealing by the trustees until after the lapse of twenty-one days from the serving of notice of the intended dealing upon the person, and at the address named in such caveat.

6. When application is made on behalf of a person entitled to a life estate, all persons entitled in reversion or remainder must concur in the application; and such concurring parties may, upon their applying, each for himself, be registered as reversioner or remainderman, as the will, settlement, or other deeds and evidence may prove him to be entitled. An extra fee of 10s. has to be paid in the cases last referred to.

7. If the applicant be a married woman, her husband must consent in the application.

8. The father or guardian of a minor, or the committee of a lunatic, may apply to bring land under the Act in the name of such minor or lunatic.

9. If the land be mortgaged, the mortgagee must consent in the application. The amount of the mortgage, the date when payable, the rate of interest, the dates on which the same is payable, must also be stated, together with the name, residence, and trade or calling of the mortgagee, and the date of the mortgage.

10. If the land be under lease, the term for which it is leased, the amount of rent, the dates when payable, and the name, residence, and description of the lessee, must be stated; and if there be a covenant to purchase, or right of purchase be covenanted, the fact must be stated, with the amount of purchase money, and the period within which the covenant is to be fulfilled or the privilege exercised.

11. Should there be any encumbrance or settlement, or outstanding estate or interest affecting the land, the same must be stated, with full particulars as in the case of mortgaged land.

12. When the land mentioned in the application consists of an entire section or allotment, as delineated in an original land grant, a diagram must be furnished from the Land Office at the cost of the applicant; and in cases where diagrams are refused by the Land Office, a map of the section must be furnished on the scale prescribed in the 103rd section of the Act, and declared to by a licensed surveyor before the Registrar or a Justice of the Peace.

13. When the application is in respect to part only of an original Government section, a plan must be furnished by a licensed surveyor, and declared to in like manner. This rule may be relaxed when it is shown that the deeds surrendered, or a deposited map, contains an accurate description of the land; it must, however, be observed, that this seldom is the case.

14. Every map or plan must show the space intervening between some fixed point (as a Government road or reserve), and the point at which the land referred to in the application commences.

15. The application must state—First, the name and address of the proprietor. Second—the nature of the estate held by him in the land. Third—where the land is situated. Fourth—the area in acres, rods, and perches. Fifth—the rights of way, easements, or privileges, attaching to the land, or enjoyed over it by parties other than the applicant. Sixth—the boundaries. Seventh—the value, including buildings and permanent improvements. Eighth—the date of the original grant, and the name of the Governor who signed it. Ninth—the number of the original section upon the public maps. Tenth—the particulars of all leases, mortgages, encumbrances, liens, or other interests affecting the estate of the applicant. Eleventh—the name and address of the person in occupation, if any; and whether such occupation is adverse to the applicant or otherwise. Twelfth—the names and addresses of owners and occupiers of the contiguous land, so far as known to the applicant. Thirteenth—that the deeds or instruments in the list at foot of the application are all that are in the custody or under the control of the applicant, affecting the land.

16. When the land is mortgaged, and it is desired to discharge the mortgage at the time of bringing the land under the Act, a deed of reconveyance will not be required, as a discharge indorsed on the mortgage in the following words will suffice—"Received from the within-named A. B. the sum of £ . . . in full discharge of all principal moneys and interest secured by the within mortgage.

"Witness—G. H."

"Mortgagee."

17. Whenever money has been advanced, in contemplation of a mortgage to be executed so soon as the land is under the operation of the Act, the circumstances should be stated at the foot of the application; in which case the deeds deposited by the applicant will be held as an equitable security for the intending mortgagee, to whom they will be delivered in the event of the title being rejected by the Lands Titles Commissioners; and, if the title be approved, the certificate of title will be retained in the office until the mortgage is registered and entered thereon.

18. The consent of parties, when required, must be signified by the words "I consent thereto," signed and attested.

19. The applicant may, at the time of making application, or at any time prior to the date appointed by the Lands Titles Commissioners for the land to be brought under the Act, by writing under his hand, attested by a witness, direct the Registrar General to issue the certificate of title in the name of a purchaser or other person to whom he may desire to transfer the land.

20. All grants, conveyances, or other instruments affecting the property, in the possession of the applicant or under his control, must be deposited with the Registrar General, together with the application.

21. When the title consists of a land grant only, the application fees are 7s. When the title is other than a land grant, and the value of the property does not exceed £100, the application fees are 10s. If the value exceeds £100, but does not exceed £200, the application fees are 15s. If the value exceeds £200, but does not exceed £300, the application fees are 20s. If the value exceeds £300, the fees are 25s. The fee for certificate of title in every instance is £1. These fees, with $\frac{1}{2}$ d. in the £1 sterling on the value, as contribution to the assurance fund, must be paid at the time of making application, when the title is other than a land grant. The charges for advertising must also be advanced; this in ordinary cases amounts to 20s.—but whenever notice is required to be served personally, or advertisement made in places beyond the limits of the Colony, a special charge will be made to cover the expense.

22. The assurance-fee charged on the first bringing of land under the Act guarantees all subsequent dealings with the same land by sale, lease, mortgage, encumbrance, or settlement, and is not again charged until the land becomes transmitted by will or intestacy.

23. Any number of properties in land wherever situated within the Colony, if belonging to the same proprietor, may be included in one application; but separate certificates of title must be taken out for sections or allotments situated so far apart that they cannot conveniently be included in the same diagram.

24. Land included in one original grant, or treated as one property in any deeds of title surrendered, may, at the desire of the applicant proprietor, be divided into two or more properties, each under a separate certificate of title.

25. Lands represented under several surrendered grants or deeds of title as separate properties, may, at the desire of the proprietor, be included together in one certificate of title whenever the lands are so situated as to admit of being included in the same diagram.

EXAMPLES.

Application to bring Land under the Act by Trustees.

We, A. B., C. D., and E. F., of Adelaide, do declare that we are seized of an estate of freehold as trustees in all that piece of land situated in the Hundred Kuitpo, containing 79 acres, be the same a little more or less, as delineated and particularly described in the diagram hereto annexed, which piece of land is of the value of £500 and no more, and is portion of preliminary section No. 90, in the said Hundred, originally granted to L. M., by grant under the hand and seal of George Gawler, formerly Governor of the Province of South Australia, dated the 7th of May, 1840, and delineated in the public maps of the said Province, deposited in the Survey Office, Adelaide, and we further declare that we are not aware of any mortgage, encumbrance, or claim affecting the said land, or that any person hath any claim, estate, or interest in the said land, at law or in equity, in possession or in expectancy, other than is set forth and stated as follows:—That is to say, that P. A. and N. B., for whose benefit we hold the property in trust, are equitably entitled to the said land, or to the proceeds thereof, under the will of the late J. R., and we further declare that there is no person in possession of the land, and that the same is unoccupied, and that V. L. is owner and occupier of sections 89 and 160, contiguous to the said piece of land on the north and west sides, and that H. Q. is owner and occupier of the 50-acre block, being the eastern portion of the said section 90, and that there are no deeds or instruments of title affecting the said piece of land in our possession or under our control other than those enumerated on the schedule hereto, and we make this solemn declaration, conscientiously believing the same to be true.

A. B.
C. D.
E. F.

Dated at Adelaide, this seventh day of January, 1862.

Made and subscribed by the above-named A. B., C. D., and E. F., this seventh day of January in the presence of me, R. T., Registrar General.

We, the undersigned, apply to have the piece of land described in the above declaration brought under the provisions of the Real Property Act, and certificate of title issued to us as joint tenants with no survivorship. Dated this seventh day of January, 1862.

Witness to signature—R. T., Registrar General.

We consent hereto—P. A.
N. B.

A. B.
C. D.
E. F.

Appeared

Appeared before me, at Robe Town, the first day of February, 1862, P. A. and N. B., the parties signing as above, who are of full age, and well known to me, and did freely and voluntarily sign the same. S. L., J.P.

Schedule referred to.

Grant of section 80, Hundred of Kuitpo, G. Gawler to L. M., 7th May, 1840.
Conveyance, L. M. to J. R., tenth August, 1843.
Correct for purposes of the Real Property Act.

A. B.
C. D.
E. F.

Memo. by Solicitors to Land Titles Commissioners.

Conveyance of 55 acres, eastern portion of the above section, J. R. to H. Q. Enrolled. Book 71, No. 765.

Probate of will of J. R., deposited, No. 130, 30-2-62. W. B., H. G.

Application to bring under the Act land subject to lease and under contract to mortgage.

I, A. B., of Clare, do declare that I am seised of an estate of freehold of inheritance in all that piece of land, being section No. 7, in the Hundred of Adelaide, containing eighty acres, be the same a little more or less, with right of way with horses, carriages and cattle over the private road across section 9, in the said Hundred, leading to the spring in the north-east angle thereof, and privilege to draw and remove water therefrom, and to water great and small cattle, which piece of land is of the value of £900 and no more, and was originally granted to C. D. by grant under the hand and seal of George Gawler, formerly Governor of the Province of South Australia, dated the 10th day of December, 1810, as delineated on the public maps of the said Province, deposited in the Survey Office, Adelaide; and further, that I am seised of a like estate in all that piece of land situated in the Hundred of Clare, containing three acres, be the same a little more or less, which piece of land is of the value of £80, and no more, and is lot 13 of the Township of Trim, and is a right-angled parallelogram—bounded on the south by the main road through the said township, 210 feet; on the north by lot 21 of the said township, 210 feet; on the east by lot 12; and on the west by lot 14 of the said township—on each side respectively 630 feet, the south-east angle of the said lot 13 being distant 310 feet from the intersection of the District Road to the Burra with the main road aforesaid, the said allotment is delineated in the map of Trim, deposited in the General Registry Office, and is part of country section No. 99, in the Hundred of Clare, originally granted to E. F., by grant under the hand and seal of George Grey, formerly Governor of the said Province, dated the 18th day of October, 1842, delineated in the public map of the Province, deposited in the Survey Office, Adelaide; and I do further declare, that I am not aware of any mortgage, encumbrance, or claim affecting the said land, or that any person hath any claim, estate, or interest therein at law or in equity, in possession or expectancy, other than is set forth, and stated, as follows, that is to say—That the said allotment No. 13 is leased to F. H. for the term of seven years, at the yearly rent of £10 per annum, with right of purchase within the said term for the sum of £100; and that I have contracted with K. L. to execute to him a mortgage of the said section No. 7 for the sum of £500, the receipt of which sum I hereby acknowledge, agreeing that the deeds enumerated in the Schedule hereto, relating to the said section shall be held for the said K. L. to secure to him the repayment of the said sum of £500, until such time as the said land shall be brought under the provisions of the Real Property Act, and then that the certificate of title for the said section shall be held in like manner as security for the said K. L. until I shall have executed a memorandum of mortgage of the said section to him for the said sum of £500. And I further declare, that there is no person in possession or occupation of the said lands adversely to my estate or interest therein; and that the said allotment 13, in the Township of Trim, is in the occupation of E. H. aforesaid, and that the said section No. 7 is in my own occupation, that R. S. and M. N. are in occupation of lots 12 and 21, adjoining lot 13 of the Township of Trim, and I am not aware, and have failed after diligent inquiry to discover who is the owner of lot 14 of the said township, which is unoccupied; that R. S. is in occupation as owner of sections 6 and 8, contiguous to section 7 aforesaid on the north and west sides, and that section 8 contiguous thereto on the east side, has never, so far as I am aware, been alienated from the Crown. And I further declare that there are no deeds or instruments of title affecting the said section or the said allotment of land in my possession or under my control, other than those enumerated in the schedule hereto; and I make this solemn declaration conscientiously believing the same to be true.

Dated at Clare, this 7th day of January, 1862.

Made and subscribed by the above-named A. B., in the presence of me—Z. Y., J.P.

I, A. B., the above declarant, do apply to have the land described in the above declaration brought under the provisions of the Real Property Act.

Dated at Clare, this 10th day of January, 1862.

(Signed) A. B.

Witness to signature—F. E. Archer, Licensed Land Broker.

Schedule referred to.

Grant to C. D. of section 7, Hundred of Adelaide; conveyance of same, July 13, 1862, C. D. or A. B.
Conveyance lot 13, Township of Trim, E. F. to A. B., 10th May, 1860.
Correct for the purposes of the Real Property Act.

F. E. Archer, Land Broker.

Memorandum subsequently annexed.

I have received the purchase money agreed on for lot 13, in the township of Trim, and therefore request that the certificate of title for the same may be issued to G. H., described in my application of the 10th ultimo as tenant in occupation of the same.

Dated at Clare, this 3rd day of February, 1862.

Witness my hand—A. B.

Witness to signature—F. E. Archer, Land Broker.

Memo. by Solicitors, Lands Titles Office.

Grant Section 99, Hundred Clare, G. Grey to E. F., 18-10-62. Deposited, No. 720.

W. B.
H. G.

Application

Application to bring land under the Act by joint tenants or tenants in common desiring to make partition.

We, A. B. and C. D., of Woodside, do declare that we are seized of an estate in fee simple, as joint tenants, in all that section of land No. 3, situated in the Hundred of Kuitpo, containing eighty acres, be the same a little more or less, which piece of land is of the value of £300 and no more, and was originally granted to E. F. under the hand and seal of George Gawler, formerly Governor of this Province of South Australia, dated the 30th day of March, 1840, as delineated in the public map of the said Hundred, deposited in the office of the Surveyor General, Adelaide; and we further declare that we are not aware of any mortgage, encumbrance, or claim affecting the said land, or that any person has any claim estate or interest therein, at law or in equity, in possession or in expectancy, and that there is no person in possession of the said land adversely to our interest, and that the said land is in our occupation, and that R. S. is in occupation of sections 19 and 17, adjacent to the said land on the north and west sides, the said land being bounded by district roads on the south and east sides, and that there are no deeds or instruments of title affecting the said land other than the grant thereof to us; and we make this solemn declaration, conscientiously believing the same to be true.

A. B.
C. D.

Dated at Lobethal, this 10th day of January, 1862.

Made and subscribed by the above-named A. B. and C. D. this 10th day of January, 1862, in the presence of me—F. E. H. W. Krichoff, J.P.

We, the undersigned, apply to have the piece of land described in the above declaration brought under the provisions of the Real Property Act; and that certificate of title for the eastern moiety thereof, as delineated and described in the diagram at foot hereof, and therein coloured green, be issued to A. B.; and that certificate of title for the western moiety thereof, as delineated and described in the said diagram, and therein coloured pink, be issued to C. D.

(Signed)

A. B.
C. D.

Signed in my presence this 10th day of January, 1862—F. E. H. W. Krichoff, Licensed Land Broker.

Correct for the purposes of the Real Property Act—F. E. H. W. Krichoff, Licensed Land Broker.

CIRCULAR LETTER No. 2.

Instructions for conducting transfers and other dealings with land, applicable to instruments generally.

The prescribed forms of memorandum of transfer, lease, mortgage, &c., &c., &c., may be procured at the Lands Titles Office, or will be forwarded through the Post Office to any address, upon receipt of one shilling, in postage stamps; these instruments when filled up, executed, and attested in manner hereinafter described, and in duplicate, may be presented at the Lands Titles Office by the party claiming thereunder, or forwarded by him through the Post Office, addressed to the Registrar General, or presented for registration by his solicitor, or by a licensed land broker, employed by him. In either case, the words "Correct for the purpose of registration," signed by the party presenting the instrument, must be indorsed thereon.

2. The 107th section of the Real Property Act subjects to a penalty of fifty pounds any person who shall falsely or carelessly sign such certificate. Persons transacting business are cautioned that this penalty will be enforced, especially in cases of misdescription of boundaries.

3. The fees for each case prescribed must be paid at the time of forwarding or presenting the instrument.

4. No instrument on which an erasure is detected will be received for registration. Mistakes may be corrected by scoring the pen through the words written in error, and writing the correct words over them; in every such case a memorandum of the number of words scored out and interlined must be made at foot of the instrument, signed by the party executing the same and by the attesting witness.

5. Every instrument affecting any estate or interest in land under the Real Property Act must be signed by the registered proprietor who contracts to deal with that estate or interest. The signature must be attested by one witness, and it is desirable that witness should be a resident householder.

6. If the contracting proprietor does not attend personally at the Registry Office and execute the instrument in presence of the Registrar General, then the execution must be attested by a legal practitioner, or by a licensed land broker, or else the contracting proprietor, or the person who attested his signature must acknowledge or prove the execution of the instrument before a Justice of the Peace, or Commissioner for taking affidavits, who will notify such acknowledgment or proof by a certificate to that effect, under his hand and seal, indorsed upon the instrument in form N or O of the Real Property Act.

7. Before granting such certificate, the Justice will require the contracting proprietor, if he attend and is personally known to him, to acknowledge that "he did freely and voluntarily sign such instrument;" but if the contracting proprietor does not attend, or is not known to such Justice, the witness who attested the signature will be required to answer the following questions on oath, or under statutory declaration—"Are you the witness who attested the signing of this instrument; and is the name or mark, purporting to be your name or mark as such attesting witness, your own handwriting?" "Do you personally know A. B., the person signing this instrument, and whose signature you attested?" "Is he of sound mind and of full age, and did he freely and voluntarily sign the same?"

8. The acknowledgment or proof of execution of instruments may occasionally be dispensed with, when signatures of the party executing and of the attesting witness are both known to the Registrar.

9. When instruments affecting land under the Real Property Act are executed at places without the limit of the Colony, the execution must be acknowledged or proved in manner above described. If in Great Britain or Ireland, then before the Mayor or Chief Officer of a Corporation, or before a Notary Public. If in a British Possession, then before a Judge of any superior Court; or before the Governor, Government Resident, or Chief Secretary. If in a Foreign place, then before the British Consular Officer.

10. When the property to be dealt with comprises the entire of the lands included under any existing grant or grants, certificate or certificates, lease, mortgage, or encumbrance, or comprises the entire of any allotment or allotments in any township, the plan of which has been deposited in terms of the Real Property Act, a reference to such grants, certificates, or plan for the description of the property, will suffice, and a diagram will not be required. When the property to be dealt with comprises part only of the lands included in any such grant, or certificate, or allotment, the portion to be dealt with must be minutely described and delineated in a diagram, accurately drawn to scale on the margin of the instrument, or annexed thereto, certified by declaration of licensed surveyor; which declaration must be made before the Registrar General, Justice of the Peace, or Commissioner for taking affidavits.

11. The diagram is occasionally dispensed with if the description given be sufficient to enable the draftsman of the department to delineate the subdivision, with the aid of a deposited plan, or of the diagram on the existing grant or certificate of title, or other instrument.

12. Whenever the land to be dealt with is vested in a married woman, the acknowledgment of such married woman must be taken before a Judge, or before the Master of the Supreme Court, or before the Registrar General.

13. Whenever the concurrence of any person interested is required to give validity to any transaction, such concurrence may be signified by the words—"I consent hereto" written on the instrument and signed by such person; the signature must be witnessed and the execution acknowledged or proved in manner hereinbefore described.

14. The counterpart of every instrument registered, bearing a certificate that the particulars thereof have been entered in the register book, authenticated by the hand and seal of the Registrar General, will be returned to the party who has acquired estate or interest thereby.

15. Entry in the register book is the essential which gives validity to transactions; and the certificate and seal of the Registrar General render the instrument evidence to prove title in any Court of Justice.

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Instructions for transfer of estate or interest.

16. When land is intended to be transferred in fee, the proprietor fills up memorandum of transfer form D, stating the amount of purchase money, and describing rights of way or other easements or privileges, if any, reserved by such proprietor; also rights of way or other easements, if any, over other lands under the provisions of the Act, intended to be attached to and exercised in conjunction with the proprietorship of the land intended to be transferred.

17. If the land be under lease, the name, residence, and description of the tenant; the term of the lease, the amount of rent, and any material covenants, such as right of purchase, should be stated.

18. If the land be mortgaged or encumbered, the amount secured, the date when payable, the rate of interest, and other particulars, with the name, residence, and description of the mortgagee or encumbrance should be stated; but if the land be settled, and the vendor acts in the capacity of trustee only, that circumstance need not be stated, as the purchaser has no occasion to look to the appropriation of the purchase money.

19. When the intention is to vest the land in trustees, the words "No survivorship" may be introduced into the memorandum of transfer, as shown in the example No. 7. The effect of which will be that in the event of the death, incapacity, or resignation of any trustee, the remaining trustees will be barred from dealing with the property until the original number of trustees is made up with the sanction of the Supreme Court, in manner prescribed in the 68th section of the Real Property Act, or unless the consent of the Supreme Court be obtained specially for the proposed dealing.

20. Upon the registration of any memorandum of transfer vesting land in trustees a duplicate or attested copy of the deed of settlement, or other instrument declaratory of the trusts executed by the trustees, may be deposited in the Registry Office for safe custody and reference, and caveat may be lodged by the settlor, or by the trustees, or by any person beneficially entitled under the settlement prohibiting any dealing with the land either absolutely or until twenty-one days' notice of the intended dealing has been given to the caveator, his solicitor, or agent, as may be directed in the caveat. (See sections 66 to 68 and 81 to 84.)

21. The registered proprietor may also settle his estate without the instrumentality of trustees by executing a transfer of the reversion reducing his own interest to that of tenant for life, or he may in like manner transfer the life estate to one person with reversion and remainder to others in succession as he may appoint. (See example No. 8.)

22. The existing grant or certificate of title must be deposited in the Registry Office, together with the memorandum of transfer.

23. When the fee simple is transferred, a certificate of title will be made out and delivered to the transferee in exchange for the memorandum of transfer, and when the fee of part only of the land included under an existing grant or certificate of title is transferred, a certificate for the balance of such land will be given to the proprietor, and the previous certificate will be cancelled, or, at the desire of the proprietor, the existing grant or certificate will be cancelled, so far only as regards the portion of land transferred, and the issue of certificate for the balance postponed in anticipation of future sales. The deposited grant or certificate will, in such case, be retained in the Lands Titles Office.

24. Properties represented by several grants or certificates of title may be dealt with under one memorandum of transfer to the same purchaser, who may exercise his discretion as to whether the lands shall be included in one certificate or divided into separate properties, each represented by a separate certificate; subject, however, to the existing regulations in respect to plans and diagrams.

25. When land is intended to be offered for sale as a township, the proprietor is required to deposit in the Lands Titles Office a plan of the township, certified by a declaration of a licensed surveyor in manner hereinbefore described, and in this the allotments, streets, squares, and other reserves for public purposes must be distinctly delineated, and the allotments numbered.

26. If the allotments be of an area not exceeding one statute acre, then the plan must be on a scale of not less than one inch to two chains. If the allotments be of an area exceeding one acre, but not exceeding five acres, then the plan may be on a scale of not less than one inch to five chains. If the allotments be of a greater area than five acres, then the plan must be on a scale of not less than one inch to ten chains. The above is the minimum scale for plans deposited, but a larger scale, as affording facility for marking off future sub-divisions, is recommended for adoption whenever the township is of such moderate extent as may admit of it without inconvenience.

27. The proprietor, before proceeding to sale, should deposit the grant or certificate of title to the lands comprised in the township, taking a receipt for the same; he should also provide himself with forms of memorandum of transfer to be filled in and executed in favour of each purchaser as sales are effected.

28. Whenever it is intended to confer a right of way or other easement or privilege without the fee of the land, the memorandum of transfer may be modified so as to express clearly the nature of the easement or privilege intended to be conferred. In such cases the certificate will be returned to the proprietor of the fee, bearing a memorandum under the hand of the Registrar General certifying the registration of the transfer of the right of way or other easement, and the duplicate memorandums of transfer will be returned to the transferee with certificate of registration indorsed thereon under the hand and seal of the Registrar General. A memorial of the easement granted will also be entered on the folium of the register book constituted by the grant or certificate of title of the land to which it attaches and on the duplicate thereof in the hands of the proprietor.

29. Mortgages, incumbrances, and leases may be transferred by a simple indorsement of the words following:—"I, the within-mentioned _____, in consideration of the sum of £ _____, this day paid to me, by _____, the receipt of which I do hereby acknowledge, do hereby transfer to him the estate or interest in respect to which I am registered as proprietor as set forth and described in the within-written security, together with all my rights, powers, estate, and interest therein. In witness whereof I have hereunto subscribed my name, this _____ day of _____ 18 ____." The transferee will also sign as accepting.

30. The surrender of a lease is effected by indorsing the single word—"Surrendered," signed by the lessor and lessee. Signatures to indorsements of transfer, or surrender, in such cases must be attested as directed in the former part of this letter.

31. The instrument should then be presented at, or forwarded to, the Lands Titles Office, that the particulars of the indorsement may be entered in the register book, and the certificate and seal of registration affixed, which gives validity to the transaction.

32. Before paying the purchase money the purchasers should have the existing grant, certificate, or other instrument representing the title to the estate or interest which they purchase delivered up, or should satisfy themselves that it has been already deposited in the Lands Titles Office.

33. Prudent persons will also take the precaution of making search, lest any caveat should be lodged forbidding the Registrar General to give effect to the transfer.

34. The register book may be searched by the party interested, or by any person on his behalf, or a certificate of search exhibiting the state of the title will be forwarded by the Registrar General to any party applying through the post; the fee, in either case, is two shillings for each title searched, if the volume and folium of the register book where the history of the title is recorded, be given; this information may readily be obtained from the vendor, as every instrument issued from the Lands Titles Office bears upon it a memorandum referring to the volume and folio of the register book. If the reference be not given, the fee is as for general search, five shillings.

35. The fees are—for memorandum of transfer, ten shillings; for certificate of title, one pound; for registering transfer of mortgage, or of encumbrance, or lease, or surrender of lease by indorsement, five shillings; and must be paid at the time when the memorandum of transfer is presented or forwarded for registration.

36. Examples are annexed, exhibiting the mode of filling in forms of transfer under different circumstances.

R. R. TORRENS, Registrar General.

EXAMPLES.

Where Land transferred is the whole of a Section of Land included in Certificate of Title.

(D 1.)

[South Australia.]

Memorandum of Transfer.

I, John Smith, of Adelaide, carpenter, being registered as proprietor of an estate in fee simple in all that section of land, situate in the Hundred of Goolwa, County Hindmarsh, containing eighty acres, be the same little more or less, and numbered 1300, bounded as appears in plan drawn in margin of certificate of title, vol. II., folio 54, in consideration of the sum of £200 paid to me by William Robinson, of Adelaide, aforesaid, bricklayer, the receipt of which sum I hereby acknowledge, do hereby transfer to the said William Robinson all my estate and interest in the said piece of land. In witness whereof I have hereunto subscribed my name, this twenty-second day of January, 1862.

JOHN SMITH.

Signed on the day above named by the said John Smith, in the presence of W. Wadham, Land Broker.

(Indorsement to the above.)

Correct for the purposes of the Real Property Act—W. Wadham, Land Broker.

Where Land transferred is portion of a Section of Land included in Certificate of Title.

(D 2.)

[South Australia.]

Memorandum of Transfer.

I, John Smith, of Port MacDonnell, carpenter, being registered as proprietor of an estate in fee simple, in all that piece or parcel of land situate in the Hundred of Goolwa, County of Hindmarsh, containing fifteen acres, be the same little more or less, being the northern portion of the section of land No. 1300, included in certificate of title, vol. X., fol. 30, in said Hundred, and bounded as appears in plan drawn in margin hereof, which said piece of land measures on the north and south sides thereof, severally 300 links, and on the east and west sides thereof severally 100 links, in consideration of the sum of £85 paid to me by William Robinson, of Adelaide, aforesaid, bricklayer, the receipt of which sum I hereby acknowledge, do hereby transfer to the said William Robinson all my estate and interest in the said piece of land. In witness whereof I have hereunto subscribed my name, this 22nd day of January, 1862.

JOHN SMITH.

Signed on the day above named, by the said John Smith, in the presence of Thomas Browne.

(Indorsement to the above.)

Correct for the purposes of the Real Property Act—William Robinson.

Appeared before me, at Mount Gambier, the 7th day of February, 1862, Thomas Browne, of MacDonnell Bay, a person known to me, and of good repute, attesting witness to this instrument, and acknowledged his signature to the same; and did further declare that John Smith, the party executing the same, was personally known to him the said Thos. Browne, and that the signature to this said instrument is in the handwriting of the said John Smith.

W. L., J.P.

Where Land is transferred, subject to a Lease and Mortgage.

(D 3.)

[South Australia.]

Memorandum of Transfer.

I, John Smith, of Nairne, carpenter, being registered as proprietor of an estate in fee simple, subject, however, to the encumbrance and interest hereinafter mentioned, in all that section of land situate in the Hundred of Goolwa, County of Hindmarsh, containing 80 acres, be the same little more or less, and numbered 1300, bounded as appears in a plan drawn in margin of certificate of title, vol. II., folio 54, in consideration of the sum of £200 paid to me by William Robinson, of Adelaide, bricklayer, the receipt of which sum I hereby acknowledge, do hereby transfer to the said William Robinson all my estate and interest in the said piece of land, subject as follows, that is to say:—A lease, No. 20, dated 4th August, 1858, from me the said John Smith, to John Morris, of Kapunda, miller, at the yearly rent of £70, payable half-yearly. Term—Seven years, and right of purchase at any time during the said term, at the price or sum of £1,000, and subject also to mortgage, No. 30, dated 6th November, 1858, from me the said John Smith to Alfred Perkins, of Norwood, Esquire, for the sum of £400. Date when payable, 6th November, 1863. Rate of interest, £10 by the £100 in every year. In witness whereof I have hereunto subscribed my name, this 22nd day of January, 1862.

JOHN SMITH.

Signed on the day above named, by the said John Smith, in the presence of Thomas Hall, of Nairne.

(Indorsement to the above.)

Correct for the purpose of the Real Property Act—William Robinson.

Appeared before me, at Mount Barker, the 1st day of March, 1862, John Smith, of Nairne, the party executing the above instrument, and did freely and voluntarily acknowledge his signature to the same.

G. D., J.P.

Where Land is transferred under Power of Attorney subject to an Annuity.

(D 4.)

[South Australia.]

I, John Smith, of Adelaide, carpenter, being registered as proprietor of an estate in fee simple, subject, however, to the encumbrance and interest hereinafter mentioned, in all that section of land situate in the Hundred of Goolwa, County of Hindmarsh, containing 80 acres, be the same little more or less, and numbered 1300, bounded as appears in plan drawn in margin of certificate of title, vol. II., folio 54, in consideration of the sum of £300 paid to me by William Robinson, of Adelaide, Esquire, the receipt of which sum I hereby acknowledge, do hereby transfer to the said William Robinson all my estate and interest in the said piece of land, subject as follows, that is to say:—Encumbrance No. 52, dated 12th May, 1857, securing to my wife, Jane Smith, an annuity of £100 per annum, contingent upon her surviving me, to commence from the date of my death. In witness whereof I have hereunto subscribed my name, this 27th day of January, 1862.

JOHN SMITH, by his Attorney, Richard Tomkins.

Signed on the day above named, by the said John Smith, by his Attorney, Richard Tomkins, in the presence of W. Andrews, Deputy Registrar General.

(Indorsement to the above.)

Correct for the purpose of the Real Property Act—William Robinson.

Grant of Right of Way.

(D 5.)

[South Australia.]

Memorandum of Transfer.

I, John Smith, of Adelaide, carpenter, being registered as proprietor of an estate in fee simple, in all that section of land situate in the Hundred of Goolwa, County of Hindmarsh, containing 80 acres, be the same little more or less, and No. 1300, bounded as appears in plan drawn in margin of certificate of title, vol. II., folio 54, in consideration of the sum of £20 paid to me by John Watkins, of Adelaide, the receipt of which sum I hereby acknowledge, do hereby grant to the said John Watkins and others claiming through or under him, owners or occupiers of the section of land, No. 1301 in the said Hundred, full liberty and right of way, and of driving of horses and other cattle, and either on foot or on horseback, and with carts or other carriages, to or from the well or pond situated on said section No. 1300, for the purpose of watering such horses and other cattle, or of carrying away and using the water therefrom, such well or pond to be approached from eastern corner of said section No. 1300. In witness whereof I have hereunto subscribed my name, this twenty-seventh day of January, 1862.

JOHN SMITH.

Signed on the day above named, by the said John Smith, in the presence of C. Schilling, of Adelaide, Land Broker.

(Indorsement to the above.)

Correct for the purpose of the Real Property Act—C. Schilling, Land Broker.

(D 6.)

[South Australia.]

Memorandum of Transfer—Joint Tenants or Tenants in common making Partition.

I A. B., being registered as proprietor of an estate in fee simple, as [joint tenant or tenants in common] with C. D., in one undivided half-share in all that piece of land, section 35, in the County of Hindmarsh, containing eighty acres, be the same a little more or less, as delineated and described in certificate of title, vol. X., folium 27, do hereby transfer to the said C. D., all my estate and interest in all the eastern moiety of the said section, containing forty acres, be the same a little more or less, bounded on the east by the eastern boundary of the said section, there eighty chains; and on the north and south by the boundaries of the said section on each line fifty chains; and on the west by a straight line connecting the extreme western points of the north and south boundaries of the said eastern moiety. In witness whereof I have hereunto subscribed my name, this fifth day of March, 1862.

I, C. D., being seized of an estate in fee simple, as [joint tenant or tenant in common] with A. B. aforesaid, in all that piece of land, section 35, in the County of Hindmarsh, as above described, hereby transfer to the said A. B. all my estate and interest in all the western moiety of the said section, containing forty acres, be the same a little more or less, divided as above described by a straight line connecting points on the northern and southern boundaries of the said section, distant respectively fifty chains from the north-east and south-east angles of the said section. In witness whereof I have hereunto subscribed my name, this fifth day of March, 1862.

Signed by the above-named A. B. and C. D., in the presence of G. Shomaker, Land Broker.

Correct for the purposes of the Real Property Act.—G. Shomaker, Licensed Land Broker.

Note 1.—The parties may execute separate instruments, if convenient.

Note 2.—By a slight modification, this example will suffice for the case of one joint proprietor transferring to another, that he may be registered proprietor of the entirety.

(D 7.)

[South Australia.]

Memorandum of Transfer by a party to himself and others, to be held in trust.

I, A. B., of Adelaide, being registered as proprietor of an estate in fee simple in all that piece of land, lot 7, in the township of Kadina, containing three roods two perches, as delineated and described in land grant, vol. XVI., fol. 97, do hereby transfer all my estate and interest in the said piece of land to C. D. and E. F., conjointly with myself, to be held by us as joint tenants, with no survivorship. In witness whereof I have hereunto subscribed my name, this fifteenth day of December, 1861.

A. B.

Signed by the above-named A. B. in my presence.—G. H., Solicitor.

Correct for the purpose of registration.—G. H., Solicitor.

(D 8.)

[South Australia.]

Owner in fee simple reduces his estate to that of Tenant for Life, and settles the estate on his Son, with remainder.

I, A. B., of Adelaide, being registered as the proprietor of an estate in fee simple, subject nevertheless to such encumbrances, liens, and interests, as are notified by memorandum underwritten or indorsed hereon, in those sections of land situated in the Hundred of Yatala, County of Adelaide, being the sections numbered respectively 99, 100, 101, 230, and 231, containing together 640 acres or thereabouts, as more particularly described and delineated in certificate of title, vol. XVI. folio 79, and being desirous of settling the said sections of land in the manner hereinafter mentioned, in consideration of the intended marriage of my son, C. D. with E. F., of spinster, do hereby, in consideration of such intended marriage, transfer the said sections of land to myself in fee simple, until the said marriage shall have been solemnized; and after the solemnization thereof I hereby transfer the said sections to myself for life, with remainder after my decease to my said son, C. D. for the term of his natural life, and after the decease of my said son, to the first and every other son of the said C. D. by the said E. F., his intended wife, severally and successively, according to their respective seniorities, in tail male, with remainder to all and every the daughters of the said C. D. and E. F., as tenants in common, in tail general, with remainder to myself, the said A. B., my heirs and assigns for ever. In witness whereof I have hereunto signed my name and affixed my seal, this second day of January, 1862.

A. B. (Seal.)

Signed in the presence of C. D., solicitor, the 2nd day of January, 1862.

Correct for the purposes of the Real Property Act—C. D., solicitor.

LEASES.

LEASES.

37. The name, residence, and trade or calling of the lessor, the nature of the estate or interest held by him in the land intended to be leased, and a description of the land in manner directed in paragraphs 10 and 25, must be set forth in the form of lease; also, the name, residence, and trade or calling of the lessee, the term of years, the amount of rent, and dates on which it is to be paid. If right to purchase be granted, or agreement to purchase be covenanted, the amount of the agreed purchase money and the period within which the right may be exercised, must also be stated.

38. Covenants for quiet enjoyment, for further assurance, for right of entry by the lessor to view the state of repair, for re-entry and resumption of possession by the lessor, in case of rent being in arrear for six calendar months, or in case of default in the fulfilment of any covenant by the lessee, continued for six calendar months, or in case of necessary repairs not being completed within reasonable time, after requirement in writing to that effect served on the lessee; as also covenants on the part of the lessee for punctual payment of rent; for payment of rates and taxes during the continuance of the lease, and for keeping and yielding up the demised premises in good and tenantable repair, are declared to be implied in leases under the Real Property Act, unless barred or modified by express words introduced into the form of lease. There is, therefore, no occasion for encumbering the instrument with these details.

39. As regards other covenants, prolixity and verbiage may be avoided by the use of certain brief forms of words, to which specific signification is given in the Act. Thus, a covenant for insurance against loss by fire may be introduced by using the four words, "That he will insure;" the law declaring that whenever these words are introduced, the lessee will be bound "to insure, and so long as the term expressed in the said lease shall not have expired, to keep insured in some public insurance office, to be approved by such lessor, against loss or damage by fire, to the full amount specified, or if no amount be specified, then to their full value, all buildings, tenements, or premises erected on such land, which shall be of a nature or kind capable of being insured against loss or damage by fire; and that he will, at the request of the lessor, hand over to and deposit with him the policy of every such insurance, and produce to him the receipt or receipts for the annual or other premiums payable on account thereof: Provided always, that all moneys to be received under or by virtue of any such insurance shall, in the event of loss or damage by fire, be laid out and expended in making good such loss or damage; provided also, that if default shall be made in the observance or performance of the covenant last above mentioned, it shall be lawful for the lessor, without prejudice, nevertheless, to and concurrently with the powers granted him by the lease, in manner in and by the Act provided, to insure such building, and the cost and charges of such insurance shall, until such lease shall have expired, be a charge upon the said land."

Again, by the introduction of the words, "and shall paint outside every alternate year," the tenant may be placed under obligation "to paint all the outside woodwork and ironwork belonging to the hereditaments and premises mentioned in such lease, with two coats of proper oil colours, in a workmanlike manner."

By the introduction of the words "and paint and paper inside every third year," the tenant may be placed under the obligation "to paint the inside wood, iron, and other works now or usually painted, with two coats of proper oil colour, in a workmanlike manner; and also repaper with paper of a quality as at present, all such parts of the said premises as are now papered, and also wash, stop, whiten, or colour such parts of the said premises as are now whitened or coloured respectively."

By using the three words, "and will fence," the tenant may be placed under obligation "to erect and put up on the boundaries of the land therein mentioned, or upon such boundaries upon which no substantial fence now exists, a good and substantial fence."

The words "and cultivate" shall imply as follows, viz. :—"And will at all times during the said lease cultivate, use, and manage all such parts of the land therein mentioned as are or shall be broken up or converted into tillage, in a proper and husbandlike manner, and will not impoverish or waste the same."

The words "and will not cut timber" introduced into the lease, will operate to restrict the tenant from "cutting down, felling, injuring or destroying any growing or living timber, or timberlike trees, standing and being upon the said hereditaments and premises above mentioned, without the consent in writing of the said lessor."

The words "and will not, without leave, assign or sublet," introduced into the lease, will deprive the tenant of the power of "assigning, transferring, demising, subletting, or setting over, or otherwise by any act or deed procuring the lands or premises therein mentioned, or any of them, or any part thereof, to be assigned, transferred, demised, sublet, or set over unto any person whomsoever, without the consent in writing of the said lessor first had and obtained."

The words "will not use as a shop" shall imply as follows, viz. :—"And also that the said lessee will not convert, use, or occupy the said hereditaments and premises mentioned in such lease, or any part thereof, into or as a shop, warehouse, or other place of carrying on any trade or business whatsoever, or permit or suffer the said hereditaments and premises, or any part thereof, to be used for any such purpose, or otherwise than as a private dwelling-house, without the consent in writing of the said lessor."

The words "and will not carry on offensive trades" shall imply as follows :—"And also that no noxious, noisome, or offensive act, trade, business, occupation, or calling, shall at any time during the said term be used, exercised, carried on, permitted, or suffered in or upon the said hereditaments and premises above mentioned; and that no act, matter, or thing whatsoever shall at any time during the said term be done in or upon the said hereditaments and premises, or any part thereof, which shall, or may be, or grow to the annoyance, nuisance, grievance, damage, or disturbance of the occupiers or owners of the adjoining lands and hereditaments."

40. The use of these abbreviated forms of words is not compulsory; and the covenants above referred to, or any other covenants, may be introduced into the lease, in any form of words that may be deemed best adapted for giving effect to the intention.

41. Several sections or allotments belonging to the same proprietor, though included in two or more grants or certificates, may be included under one lease. The original of every lease will be deposited in the strong room of the Lands Titles Office. The duplicate will be given to the lessee; and a certified copy will be given to the lessor, if required by him, at the cost of a few shillings. Copies certified under the hand and seal of the Registrar General are, by the Real Property Act, section 104, made evidence in all Courts of Justice of all matters contained in the original instruments.

EXAMPLES.

Lease of House, with Covenant to Insure and Paint, and Covenant to Purchase.

(E.)

[South Australia.]

I, John Smith, of Adelaide, carpenter, being registered as proprietor of an estate in fee simple, subject, however, to such encumbrances, liens, and interests as are notified by memorandum indorsed hereon, in that piece of land, situated in the City of Adelaide, being the eastern quarter of the town acre of land No. 59, bounded as appears by plan drawn in margin of certificate of title, vol. I., folio 180, containing one quarter of an acre, be the same a little more or less, do hereby lease to Thomas Jones, of Adelaide, all the said piece of land, together with the dwelling-house, out-buildings, and premises erected thereon, subject to the following covenants, conditions, and restrictions, that is to say— that the said Thomas Jones shall insure the said premises for the sum of five hundred pounds at the least; also, that the said Thomas Jones shall paint the outside of the before-mentioned dwelling-house every alternate year; and also shall paint and paper the inside of the said dwelling-house every

every third year; and shall, on or before the 31st day of December, 1863, pay to me the sum of five hundred pounds, as purchase money for the said land and premises. The above-mentioned to be held by him, the said Thomas Jones, as tenant, for the space of five years, at the yearly rental of fifty pounds, payable half-yearly, on the first day of July and the first day of January in each year, from the date hereof; such tenancy and rental to cease and be determined at any time within the same period of five years, upon payment of the purchase money as above specified.

I, Thomas Jones, of Adelaide, hereby accept this lease of the above-described lands, to be held by me as tenant, for the term, and subject to the conditions, restrictions, and covenants, above set forth. Dated this first day of January, 1862.

JOHN SMITH, LESSOR.
THOMAS JONES, LESSEE.

Signed by the above-named John Smith, as lessor, and the above-named Thomas Jones, as lessee, this first day of January, 1862, in presence of S. P. H. Wright, Land Broker, Adelaide.

(Indorsement to the above.)

Correct for the purpose of registration.—S. P. H. Wright, Land Broker, Adelaide.

I, the within-named Thomas Jones, in consideration of the sum of seventy pounds, this day paid to me by William Tomkins, of Adelaide, merchant, the receipt of which sum I do hereby acknowledge, do hereby transfer to him the estate and interest in respect to which I am registered proprietor, as set forth and described in this instrument of lease, together with all my rights and powers therein. In witness whereof I have hereunto subscribed my name, this twentieth day of February, 1862.

THOMAS JONES, Lessee.

Accepted—WILLIAM TOMKINS, Transferee.

Signed by the above-named Thomas Jones and William Tomkins, in the presence of W. B. T. Andrews, Deputy Registrar General, this twentieth day of February, 1862.

Lease with Right of Purchase, and Covenant to Fence and Cultivate.

(E.)

[South Australia.]

I, John Smith, of Adelaide, carpenter, being registered as proprietor of an estate in fee simple, subject, however, to such encumbrances, liens, and interests, as are notified by memorandum indorsed hereon, in that piece of land, being section 285, situated in the Hundred of Saddleworth, County of Light, bounded as appears by plan drawn in margin of certificate of title, vol. I, folio 210, containing eighty acres, be the same a little more or less, do hereby lease to Robert Mundy, of Adelaide, all the said lands, subject to the following covenants, conditions, and restrictions, that is to say—that the said Robert Mundy shall have the right of purchasing the fee simple of the land hereby leased, at any time within the time hereafter mentioned, for the sum of five hundred pounds, and will fence and cultivate the said section, to be held by him the said Robert Mundy, as tenant for the space of ten years, at the yearly rent of forty pounds, payable half-yearly, on the first day of March and first day of October, from the day of date hereof.

I, Robert Mundy, of Adelaide, do hereby accept this lease of the above-described lands, to be held by me, as tenant, for the term, and subject to the conditions, restrictions, and covenants above set forth. Dated this first day of March, 1861.

JOHN SMITH, LESSOR.
ROBERT MUNDY, LESSEE.

Signed by the above-named John Smith, as lessor, and by the above-named Robert Mundy, as lessee, this first day of March, 1861, in the presence of Wm. Letchford, Land Broker, Adelaide.

(Indorsement to the above.)

Correct for the purpose of registration—WILLIAM LETCHFORD, Land Broker.
Surrendered this first day of March, 1860—ROBERT MUNDY, Lessee.

Accepted same day—JOHN SMITH, LESSOR.

Signed by the above-named Robert Mundy, as surrendering lessee, and John Smith, as lessor accepting surrender, in presence of R. R. Torrens, Registrar General, this first day of March, 1862.

MORTGAGES AND ENCUMBRANCES.

42. After entering on the form of mortgage or encumbrance the name, residence, and trade or calling of the intended mortgagor or encumbrancer, describe the land as directed in paragraphs 10 and 25, and state the nature of the estate intended to be charged, whether fee simple or leasehold, also the particulars of leases, prior mortgages, or other encumbrances (if any) affecting the property.

43. Next must be stated the name, residence, and trade or calling, of the person in whose favour the mortgage or encumbrance is to be created, the amount of the sum of money or annuity to secure which the land is to be pledged, the date, if any, fixed for the payment of the sum so secured, or the occurrences or conditions upon which it may be intended that such payment shall be contingent, together with the rate of interest, and the dates on which it is to be paid.

44. Covenants for punctual payment, for keeping in repair, and for right of entry upon the premises to inspect the state of repairs, need not be inserted, as these are declared by law to be implied in every mortgage under the Real Property Act, unless expressly barred or modified by words to that effect.

45. Covenants to insure, and other covenants, may be introduced by using the form of words specified for the case of lease, but the use of those abbreviated forms is not compulsory. Any other covenants agreed on between the parties may be introduced into the mortgage or encumbrance.

46. Repayment by instalments or periodical payments is provided for by a special clause in the Act, and a form of mortgage adapted to such cases, and for the use of Building or Benefit Societies, is supplied at the Lands Titles Offices.

47. The memorandum of mortgage or encumbrance when filled in and executed, as directed in the instructions for preparing instruments given in paragraphs 4 to 13, together with the grant, certificate of title, or lease, under which the land intended to be pledged is held, must be forwarded to or presented at the Lands Titles Office, in order that the particulars may be entered in the register book.

48. One counterpart of the memorandum of mortgage, or of encumbrance, will be delivered to the mortgagor or encumbrancer, bearing certificate under the hand and seal of the Registrar General that the particulars had been entered in the register book.

49. Entry in the register book is the essential which gives validity to the transaction; the certificate of the Registrar General makes the instrument evidence in all Courts of Justice that such entry has been made.

50. The question who shall hold the counterpart, grant, or certificate of title, or lease, representing the property pledged is left to be settled between the parties. Under the old law of mortgaging by transfer of the legal estate, it is usual for the mortgagee to hold the deeds, but on the Continent of Europe, where the system of hypothecation or pledge is substituted for that device so costly and injurious to the mortgagor, the mortgagee does not generally hold the title deeds.

51. The mortgage, under the South Australian Real Property Act, is nearly identical with the Continental "hypothèque;" and whilst there is nothing to forbid the custody of the grant, certificate, or lease

lease by the mortgagee or encumbrancee, such custody can afford him no additional security or advantage beyond what would be secured to him holding his registered memorandum of mortgage or encumbrance, whilst the custody of the grant or other instrument of title remained with the mortgagor or encumbrancer.

52. This will more clearly be perceived upon calling to mind, first, that an original of the grant, certificate, or lease, remains in the Lands Titles Office, which, as well as the counterpart in the hands of the proprietor, bears upon it a memorandum recording the mortgage or encumbrance, and the date and hour of its creation, certified under the hand of the Registrar General; 2ndly, that the law declares, that all mortgages, encumbrances, and other liens, shall take effect according to the date of their registrations, and that no subsequent transaction or entry can affect the rights or powers of the previous mortgagee or encumbrancee, whose title is guaranteed by the law as indefeasible.

53. It should also be borne in mind that no lease granted subsequent to a mortgage or encumbrance can have any validity as against the mortgagee or encumbrancee, unless his concurrence shall be certified thereon in manner directed in paragraph 13; hence it is evident, that the custody of the grants or other instruments evidencing title to the estate charged can afford no additional security or convenience to the mortgagee; yet the want of it may seriously inconvenience the mortgagor, should he desire to raise a second mortgage, or to sell the property subject to the existing mortgage.

54. Although the grant, certificate, or lease, will itself exhibit the state of the mortgagor's title, the mortgagee is, nevertheless, advised, as a precautionary measure, before paying the mortgage money, to cause search to be made, lest caveat should be entered forbidding the registration of dealings with the property; he may also, if there be reason to suspect fraud, protect himself by lodging a caveat forbidding any further dealing, pending the registration of his mortgage.

55. Any number of sections or allotments belonging to the same proprietor may be included in one form of mortgage or encumbrance.

56. A mortgage or encumbrance may be discharged by the simple indorsement thereon of a receipt for the money secured, signed by the party entitled, and attested by a witness; and in case the mortgagee is absent from the Province, or if there be no person authorized or capable of giving a receipt for the mortgage money, at the date appointed for the redemption, the mortgagor may pay the amount of principal and interest due into the public Treasury of the Province, and the Registrar General, upon production of the Treasurer's receipt for the same, will release the land from mortgage, by entering into the register book and on the grant the memorial of discharge. In such cases the amount so paid will be held by the Treasurer in trust for the mortgagee.

57. In case of default made by mortgagor or encumbrancer in payment of interest or principal, or in the observance of any covenant, the Act gives a remedy to the mortgagee or encumbrancee, by empowering him to sell the property after one month's notice, in writing, served on the mortgagor, or left at his last known place of abode in the Colony, or on the mortgaged premises.

58. The notice should state the circumstances of the default, and the intention of the mortgagee to sell unless the same be remedied.

59. The procedure to be followed in such sales is the same as that prescribed in the instructions under the head of transfers.

60. The Registrar General, upon evidence by declaration or otherwise, that default has been made, and that the notice has been served as directed above, is bound to give effect to sales by mortgagees, the mortgagee signing the memorandum of transfer; and the Act declares such sales to be "as valid and effectual to pass such mortgaged estate or interest as if the memorandum of transfer had been executed by the mortgaging or encumbering proprietor prior to the execution of the mortgage " or encumbrance."

61. The sale may be by private contract or by auction, but should be properly advertised. The property may be sold either in one block or several, and the balance of the proceeds, after paying the amount secured and all expenses, must be paid to the mortgagor or encumbrancer.

62. A mortgagee or encumbrancee is also empowered by the 57th section to distrain for arrears due twenty-one days or upwards, after giving seven days notice to the tenant or occupier, to the extent of any rent that may be then due by such tenant or occupier.

63. Foreclosure under the Real Property Act is a very simple and inexpensive process. For this purpose, after default in payment has been made for six months, the mortgagee may apply to the Registrar General for a foreclosure order, accompanying his application by the certificate of a licensed auctioneer that the land has been offered for sale after due advertisement, and no bidding obtained sufficient to cover the mortgage money with interest and expenses. The property will thereupon be again advertised for sale, and if no bid in excess of the mortgage money, interest, and expenses, be obtained, a certificate of title will be issued vesting the land in the mortgagee with indefeasible title.

64. The simplification of title and dealing with land under the Real Property Act has rendered an easy and inexpensive procedure for recovery of possession applicable in substitution for ejectment under the old law. (See section 117.)

65. The cost, the delay, and the permanent clog attaching to title which were inseparable from the artificial method of legal mortgage under the old law, induced a general practice of taking security by equitable deposit of title deeds when the amount was small or the sum required for a short date. As under the Real Property Act the expense of mortgage is reduced to ten shillings, that of release or transfer of mortgage to five shillings, and as these transactions may be completed in a few minutes by any person of ordinary intelligence, and do not constitute any clog upon the title, the principal inducements for resorting to mortgage by equitable deposit are removed under the Real Property Act: nevertheless, for the purpose of securing advances for fluctuating amounts, such as cash credits, and also when parties desire to keep the transaction secret, this practice may be conveniently resorted to under the Real Property Act, and that with a degree of security and facility for realizing unattainable under the previous law.

66. Under the old law the production of grant or title deeds is no sufficient evidence that the party depositing is really the owner of the property; for it is notorious that when portion only of the land is sold, the grant or deeds remain with the vendor—an objection which does not apply under the Real Property Act, because the original grant or certificate is withdrawn and cancelled whenever any portion of the land is transferred. 2ndly, Deeds under the old law do not prove that the party named therein is really entitled, and at best do but leave it to be wrought out as a probable inference. A grant or certificate under the Real Property Act vests the title indefeasibly. 3rdly, An equitable mortgagee under the old law may be deprived of his security by the registration of a transfer of the property to a purchaser not privy to fraud. Under the Real Property Act this is impossible, as transfer cannot take place without production of the certificate of title. 4th. Under the old law, when the borrower dies, becomes insolvent, or absconds, and the value of the property is small, the security is frequently rendered worthless or greatly diminished by the heavy law charges incident to realizing; under the Real Property Act the entire cost of realizing in such case would not exceed fifty shillings.

67. The following is the practice when it is desired to keep transactions of this nature secret, yet to obtain all the security and advantages of mortgage under the Act:—

"The borrower executes a memorandum of mortgage in the authorized form, either for a specified sum, or, as is more usual, for such sum as may appear due upon balance of account at any future date. This instrument, with the certificate of title, is held by the creditor, who does not register, but lodges a caveat forbidding the registration of any dealing with the land until after fourteen days or other named period shall have elapsed, after notice of intention to register the same has been served by the Registrar General at an address given. A red ink cross, with the number of the caveat, is then inserted in the duplicate certificate of title in the register book. The creditor, upon receipt of such notice, or at any time, may register his mortgage; and the 39th section of the Real Property

" Act

" Act directs the Registrar General 'to register that instrument under which the person claims
 " 'property, who together with such instrument, presents the grant or certificate of title of the land for
 " 'that purpose.' If default in payment be continued for twenty-eight days after registration of the
 " mortgage, the creditor may give notice of intention to sell; and if the default be continued for a
 " further period of twenty-eight days he may proceed to sell without any more delay or expense."

EXAMPLES.

Mortgage with Covenant to Insure.

(F.)

[South Australia.]

Memorandum of Mortgage.

I, John Smith, of Noarlunga, farmer, being registered as proprietor of an estate in fee simple, subject, however, to such encumbrances, liens, and interests, as are notified by memoranda indorsed hereon, in that piece of land, section 258, in the Hundred of Willunga, County of Adelaide, bounded as appears by plan drawn in margin of certificate of title, vol. I, folio 164, containing eighty acres, be the same a little more or less, in consideration of the sum of three hundred pounds sterling, this day lent to me by James Brown, of Adelaide, the receipt of which sum I hereby acknowledge, do hereby covenant with the said James Brown, that I will pay to him, the said James Brown, the above sum of three hundred pounds, on the 12th day of September, 1863; Secondly, that I will pay interest on the said sum at the rate of ten pounds by the one hundred pounds in the year, by equal quarterly payments, on the 12th day of December, 12th day of March, 12th day of June, and on the 12th day of September, in every year: Thirdly, that I will insure the dwelling-house, stable, and out-buildings erected and built on the above section, in such Insurance Office as the said James Brown may direct. And for the better securing to the said James Brown the repayment in manner aforesaid of the said principal sum and interest, I hereby mortgage to the said James Brown all my estate and interest in the said land above described. In witness whereof I have hereto signed my name, this 12th day of September, 1861.

JOHN SMITH, Mortgagor.

Signed by the above-named John Smith, as mortgagor, this twelfth day of September, 1861, in the presence of Richard Budgen, of Noarlunga, Land Broker.

(Indorsement to the above.)

Correct for the purposes of the Real Property Act—Richard Budgen, Land Broker.

Indorsement of Transfer of Mortgage.

I, the within-mentioned James Brown, in consideration of three hundred pounds this day paid to me by George Brooks, of Adelaide, the receipt of which sum I do hereby acknowledge, hereby transfer to him the estate or interest in respect of which I am registered as proprietor, as set forth and described in the within-written security, together with all my rights, powers, estate, and interest therein. In witness whereof I have hereto subscribed my name, this tenth day of January, 1862.

JAMES BROWN.

Signed by the above-named James Brown, this tenth day of January, 1862, in my presence.

W. B. T. ANDREWS, Deputy Registrar.

Indorsement of Discharge of Mortgage.

Received from the within-named John Smith, this twelfth day of September, 1861, the sum of three hundred pounds, being in full satisfaction and discharge of the within obligation.

Geo. Brooks, Mortgagee.

Witness—ROBT. R. TORRENS, Registrar General.

(F.)

Memorandum of Mortgage of Building or Benefit Society.

I, John Smith, of Adelaide, carpenter, being a shareholder in the Society known as the "East Torrens Land, Building and Investment Society," and being registered as the proprietor of an estate in fee simple, subject, however, to such encumbrances, liens, and interests, as are notified by memorandum indorsed hereon, in that section of land situated in the Hundred of Adelaide, County of Adelaide, bounded as appears by plan drawn in margin of certificate of title, vol. I, folio 63, containing eighty acres, be the same a little more or less, in consideration of the sum of one hundred pounds, lent to me by Alfred Johnson, Thomas Stokes, and George Robinson, the present trustees of the said Society, out of the funds of the said Society, the receipt of which sum I hereby acknowledge, do hereby covenant with the said present and future trustees of the said Society, that I will pay to the Secretary of the said Society, or the person appointed to receive the same, the sum of two shillings on every Wednesday in each week, and all subscriptions, fines, interest, and other payments to become due according to the rules of the said Society upon the said share, and upon the said principal sum of one hundred pounds so advanced to me as aforesaid. And also that I will, during the continuance of the said Society, observe all the rules and regulations of the said Society until, with the consent of the present or future trustees of the said Society, I shall pay off such balance as according to the rules of the said Society may be owing to the said Society in respect of the said principal sum of one hundred pounds, with all arrears of subscriptions, fines, and other payments hereby covenanted to be paid to the said Society. And for the better securing to the present and future trustees of the said Society the payment, at the times aforesaid, of such weekly sums and subscriptions, fines, interest, and other payments as aforesaid, I hereby mortgage to the said present and future trustees of the said Society all my estate and interest in the said land above described. And I empower the present and future trustees of the said Society to sell the estate and interest hereby pledged to them as security whenever I shall make default for the space of five weeks in payment of the said weekly sum of two shillings, and the subscriptions, fines, and interest, or other money to become due in respect of the said share, and of the said principal sum of one hundred pounds, according to the rules of the Society; and save, as hereinbefore mentioned, I hereby confirm unto the present and future trustees of the said Society all powers and remedies given by a memorandum of mortgage under the Real Property Act. In witness whereof, I have hereto signed my name, this fifth day of January, 1862.

JOHN SMITH, Mortgagor.

Signed by the above-named John Smith, as mortgagor, this fifth day of January, 1862, in the presence of Robert Loyd, Secretary, East Torrens Building Society.

(Indorsement to the above.)

Correct for the purposes of the Real Property Act—Alfred Johnston, Thomas Stokes, George Robinson, Trustees.

(G.)

(G.)

Memorandum of Encumbrance.

(South Australia.

I, John Jones, being registered as proprietor of an estate in fee simple, subject, however, to such encumbrances, liens, and interests, as are notified by memoranda indorsed hereon, in that section of land, situated in the Hundred of Kapunda, County of Light, numbered 620, containing eighty acres, be the same little more or less, and bounded as appears in the plan in the margin of grant, vol. XXI, fol. 93; and desiring to render the said land available for the purpose of securing to and for the benefit of my wife Mary Jones, and my daughter Anne Jones, respectively, the annuity hereinafter mentioned, do hereby encumber the said land for the benefit of the said Mary Jones, with the annuity of one hundred pounds, and for the benefit of the said Anne Jones, with the annuity of one hundred pounds, to be raised and paid at the times and in the manner following, that is to say, I desire that, from and after my decease, my said land shall be encumbered with the annuity of one hundred pounds, to be paid to my said wife by equal quarterly payments during her widowhood, the first of such quarterly payments to be made within six calendar months after the day of my decease. And I further desire that on and after my said daughter Anne Jones attaining the age of twenty-one years, or on her marriage, whichever event shall first happen, whether during my lifetime or after my decease, my said land shall be encumbered with the annuity of one hundred pounds, to be paid to my said daughter, by equal quarterly payments, for her own separate use and benefit, free from the control of any husband whom she may marry. And subject, as aforesaid, the said Mary Jones and Anne Jones shall be respectively entitled to all powers and remedies given to an encumbrance by the Real Property Act of 1860.

In witness whereof I have hereunto signed my name this tenth day of December, 1861, in the presence of J. L. Monteith, Land Broker, Adelaide.

Correct for the purpose of the Real Property Act—J. L. Monteith, Land Broker.

POWERS OF ATTORNEY.

68. Any number of sections or allotments may be included in one power of attorney, though held under separate grants or other instruments of title.

69. The use of the form of power of attorney, given in the Act, Schedule I, is not compulsory, but proprietors may use any form, and if convenient include therein lands not under the Real Property Act, or chattels, provided that an original or an attested copy must be deposited with the Registrar General before he gives effect to any dealing under such power by entering the memorial in the register book.

70. Under the laws prior to the Real Property Act, a purchaser resident in the Colony is liable to be deprived of the land although his conveyance be duly registered, if a purchaser of the same land in Great Britain or elsewhere, gets his conveyance registered within twelve months from the date thereof; and this notwithstanding that such registration be subsequent to the registration of the conveyance to the resident purchaser. To obviate this, and at the same time to enable proprietors to take advantage of markets for their land at places without the limits of the Colony, giving immediately indefensible title to the purchasers, registration abstracts are provided which afford proprietors the same facilities for dealing with lands under the Act, when absent in Great Britain or elsewhere, which they enjoy when in the Colony. No frauds by double sale, such as above referred to, can occur under this system, because no dealing can be registered in the Colony in respect to land when a registration abstract is outstanding.

71. Judges, Notaries Public, and Chief Officers of Corporations in Great Britain and Ireland, Judges of Supreme Courts, Governors, Government Residents, and Chief Secretaries in the British Colonies, and British Consular Officers in foreign places, are authorized to enter upon the registration abstract the memorials of dealings with the property, which the Registrar General is required to enter in the register book in the case of dealings within the limits of this Province.

72. A memorandum of transfer or other instrument appropriate to the intended dealing, executed in accordance with preceding instructions and examples, should be presented to the functionary called upon to act on the occasion, together with the grant, certificate of title, or other instrument representing the estate intended to be dealt with, and every memorial entered on the registration abstract must likewise be entered on such grant, certificate of title, or other instrument, and authenticated in the same manner under the hand and seal of the functionary employed; a certificate of registration should also be indorsed on the memorandum of transfer or other instrument, stating the date and hour on which memorial of the particulars thereof was entered on the registration abstract, which certificate should be authenticated in the same manner.

73. The registration abstract should be returned to the Registrar General, at Adelaide, in order that he may enter on the appropriate folium of the register book, the particulars of any dealings that may have been recorded beyond the limits of the Province, and if an estate of freehold has been transferred, a certificate of title will be issued to the transferee upon his surrendering the existing certificate and memorandum of transfer.

74. The fee for power of attorney is ten shillings, and for registration abstract twenty shillings. Examples of a power of attorney and of a registration abstract are annexed.

EXAMPLE.

(I.)

[South Australia.

Power of Attorney.

I, Richard Stokes, of Kapunda, gentleman, being registered as proprietor of an estate in fee simple, subject, however, to such encumbrances, liens, and interests, as are notified by memorandum indorsed hereon, in those pieces of land described in the schedule hereto annexed, do hereby appoint Thomas Robinson, of Adelaide, attorney on my behalf, to sell, lease, or mortgage the lands described in aforesaid schedule, and to execute all such instruments and do all such acts, matters, and things as may be necessary for carrying out the powers hereby given, and for the recovery of all rents and sums of money that may become or are now due or owing to me in respect of the said lands, and for the enforcement of all contracts, covenants, or conditions binding upon any lessee or occupier of the said lands, or upon any other person in respect of the same, and for the taking and maintaining possession of the said lands, and for protecting the same from waste, damage, or trespass.

Schedule.

No. of Section.	Hundred.	Area.	No. of Entry in Register Book.
2945	Macclesfield	One hundred and eighty acres	Vol. I., folio 44.
145	Kapunda	Eighty-three acres	Vol. I., folio 102.
2940	Macclesfield	Sixty-seven acres	Vol. I., folio 215.

In witness whereof I have hereunto subscribed my name, this 10th day of January, 1862.

Signed by the above-named Richard Stokes, this 10th day }
of January, 1862, in the presence of John Small. }
(Indorsement to the above.)

Correct for the purpose of registration—John Small, Landbroker, Kapunda.

(K.)

(K.)

Registration Abstract.

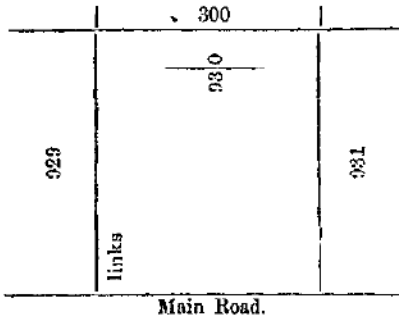
Register Book, Vol. XXXII. Fol. 97.

*Copy of Certificate of Title.*South [*Royal Arms*] Australia.

James Richards, of Adelaide, gentleman, is now seized of an estate in fee simple, subject, nevertheless, to such charges and interests as are notified by memorial underwritten—in that piece of land situated in the Hundred of Clare, containing 100 acres, as delineated and described in diagram at foot hereof, and therein coloured green, being part of the country section marked 930 delineated in the public map of the said Hundred deposited in the office of the Surveyor General, originally granted the 10th day of October, 1856, under the hand and seal of Sir R. G. MacDonnell, Governor of the said Province, to Thomas Jones. In witness whereof I have hereunto signed my name and affixed my seal, this 10th day of January, 1861.

R. R. TORRENS,
Registrar General. (Seal.)

Signed in presence of H. Denton, the 10th of January, 1861.



Lease No. 2460, dated 5th day of November, 1861. The above 100 acres to Thomas Oats, for fourteen years, with covenant that he will purchase on or before expiration of that term, for the sum of £700. Rent payable half-yearly, 1st January and 1st July, at £60 pounds per annum. Registered, 7-11-61, at noon.

R. R. TORRENS,
Registrar General.

Memorandum of Transfer, dated the 31st May, 1862, marked A. The above-named James Richards, in consideration of the sum of £650, receipt acknowledged, transfers all his estate and interest in the above-described land to Francis Gill.

Recorded this 3rd of June, 1862, by me, William Harris, of Stone Buildings, Lincoln's Inn, London, Notary Public. Witness my hand and seal,

WM. HARRIS. (Seal.)

Witness to signature—James Jarvis, No. 3, Gray's Inn Lane, London.

Pursuant to Act of the Legislature of the said Province, intituled "The Real Property Act of 1861," sections 71 and 72, this registration abstract is issued, for the purpose of enabling the registered proprietor to deal with the above-described land at places without the limits of the said Province, and shall continue in force from the date hereof until day of , or until the same be surrendered to me for cancellation.

In witness whereof I have hereunto subscribed my name and affixed my seal, this 30th day of November, 1861.

R. R. TORRENS,
Registrar General. (Seal.)

Signed and sealed the 30th day of November, in the presence of Henry Denton.

Note.—Copy of instructions, Circular Letter No. 2, should accompany this instrument, for the guidance of functionaries empowered to act thereunder.

CAVEATS.

75. Caveats are of two sorts—First, adverse caveats, for bidding the bringing of land under the Act. These can only be lodged within the time for that purpose limited in the advertisement notifying the claim to have the land brought under the Real Property Act, and will lapse unless some proceeding at law be commenced by the caveator to establish his claim within three months from the date of lodging the caveat, and notice thereof be given to the Registrar General, or unless the caveator shall have obtained from the Supreme Court an order or injunction restraining the Registrar General from bringing the land under provisions of the Act.

76. Secondly, caveats to insure to beneficiaries under deeds of settlement such timely notice of intended dealings by the trustees as may afford them opportunity for looking after the proceeds, or for the protection of parties pending the completion of contracts for mortgage or sale.

77. The fee for registering a caveat is ten shillings. Examples for illustration are annexed.

SCHEDULES.

(B.)

Caveat.

Take notice that I, Robert Smith, of Adelaide, gentleman, claiming estate or interest, as devisee, under the will of Thomas Smith, deceased, in lands described as part of town acre 456, Survey A, in notice dated the tenth day of January, 1859, advertising the same as land in respect to which claim has been made to have the same brought under the operation of the Real Property Act, do hereby forbid the bringing of the said lands under the operation of the said Act. Dated this twenty-eighth day of January, 1859.

ROBERT SMITH.—Address, 7, Hanson-street, Adelaide.

Signed in my presence, this twenty-eighth day of January, 1859, at Adelaide.—William Jackson, J.P.

To the Registrar General of the Province of South Australia.

Correct for the purpose of the Real Property Act.—ROBERT SMITH.

(K.)

(K.)

Caveat for the protection of a person having an unregistered interest.

To the Registrar General of South Australia.

Take notice that I, Thomas Jones, of Adelaide, gentleman, claiming estate or interest as beneficially entitled under deed of settlement, dated second day of November, 1858, in all that section of land No. 59, in Hundred of Willunga, County of Adelaide, forbid the registration of any memorandum of sale, or other instrument, made, signed, or executed by John Smith, Robert Robinson, and Henry Jackson, the trustees appointed by instrument of nomination, dated fourteenth of October, 1868, affecting the said land, until fourteen days have elapsed after notice of intention to register such transaction has been transmitted through the General Post Office to me, at my address, as underwritten.

Dated this third day of January, 1859.

THOMAS JONES, 7, Lipson-street, Port Adelaide.

Signed in my presence, this third day of January, 1859.—Frederick Thompson, J.P.

[Indorsement to the above.]

Correct for the purpose of the Real Property Act—THOMAS JONES.

TRANSMISSIONS.

By Marriage.

78. After the marriage of a female registered proprietor of any estate or interest in land under the Act, and before the Registrar General can give effect to any dealings with the same by such proprietor, it is necessary that the marriage should be authenticated to him by the production of the register thereof, accompanied by an application to have the particulars noted in the register book, and on the grant or other instrument evidencing the title of such female proprietor, and the husband of such female proprietor shall thereupon, unless the land be held for her separate use, be entitled to be registered as co-proprietor in right of his wife.

By Insolvency.

79. Upon the insolvency of the registered proprietor of an estate or interest in land under the Act, and before the Registrar General can give effect to any dealings with such estate or interest by the assignees, it is necessary that such insolvency be authenticated to him by production of a certified copy of the appointment of assignees to the estate of such insolvent proprietor, and that application be made to have the particulars of such appointment entered in the register book, and on the grant or other instrument evidencing the title of such insolvent proprietor, upon which being done the assignees will hold the estate subject to the equities upon, or subject to which the insolvent held the same.

By Will or Intestacy.

80. Before effect can be given by the Registrar General to any transfer or dealing with any mortgage or leasehold interest in land under the Act, by the person claiming such estate or interest as legatee, or executor, or administrator under the will, or upon the intestacy of the former proprietor, the particulars of the death and of the transmission of the property must be authenticated to the Registrar General, by probate or office copy of the will; or, in case of intestacy, by the letters of administration. These will suffice to warrant the Registrar General in giving effect to dealings by a devisee, executor, or administrator, with any mortgage, encumbrance, or leasehold interest registered under the Act.

81. When a freehold estate is transmitted, the devisee, heir-at-law, or tenant by courtesy, must apply to be registered in the form and manner described in Circular Letter No. 1, for the case of the first bringing of land under the Act, and must deposit with the Registrar General the grant or certificate of title with the will or an office copy or probate of the will, or the settlement under which he claims; or, in the case of intestacy, such evidence of heirship as he may be enabled to produce.

82. The claim of the devisee or heir-at-law, will then be advertised as may be directed by the Lands Titles Commissioners, and if no caveat be lodged within the time limited in such direction, certificate of title will be issued vesting the estate in him.

LOSS OR DESTRUCTION OF LAND GRANT OR OTHER INSTRUMENT, ISSUE OF FRESH CERTIFICATE OF TITLE, OR CERTIFIED COPY.

83. The duplicates of all land grants and certificates of title are bound up in the register book, each constituting a folium or page, upon which the memorials of leases, mortgages, transfers, discharges from mortgage, surrender of lease, and all other dealings affecting that particular piece of land are recorded; together with numbers and symbols for reference to the duplicates of those leases, mortgages, &c., deposited in the strong room of the Lands Titles Office. Whenever, therefore, a land grant or certificate of title is lost or destroyed, a fresh certificate of title can be obtained, with all particulars affecting the title recorded as upon the original; and such fresh certificate will be available for all purposes for which the lost or destroyed grant or certificate was available.

84. Before issuing such fresh certificate the Registrar General will require the fact of the loss or destruction, with attendant circumstances, to be authenticated to him by a declaration subscribed before a Justice of the Peace, and such other evidence as the proprietor shall be enabled to produce. The Registrar General will also give notice of intention to issue such fresh certificate by advertisement in the *Gazette*, and in the daily and weekly papers.

85. The cost of the advertisements will be about thirty shillings, and of the fresh certificate twenty shillings.

86. Upon the loss of a lease, mortgage, or encumbrance, or other instrument evidencing title to a registered estate, or interest less than an estate in fee, the duplicate of the same deposited in the strong room will be available for all purposes of dealing by the parties interested, and a certified copy, available as evidence in all courts of law or equity, can be had on application, at the cost of a few shillings.

87. Proprietors desiring to procure certificates of title free from memorials and records disclosing past liabilities or transactions which have ceased to affect the land, can do so upon the surrender of the existing grant or certificate, and payment of twenty shillings.

88. Proprietors desiring to have the land included in two or more grants or certificates represented in one certificate, can do so in like manner, at the same charge of twenty shillings.

89. Persons requiring to have the land included in one grant or certificate, subdivided and represented under two or more separate certificates, must surrender the existing grant or certificate, and supply a map of the property, showing the subdivisions, authenticated by the declaration of a licensed surveyor. Twenty shillings will be charged for each certificate.

R. R. TORRENS,
Registrar General.

P.—Fees payable for the performance of the several Acts, Matters, and Things herein specified.

For the bringing land under the provisions of this Act, over and above the cost of all advertisements herein prescribed to be in such cases published:—

When the title consists of a grant, dated on or subsequent to the 1st of March, 1842, and none of the land included therein has been dealt with	£0	2	0
When the title is of any other description, and the value exceeds £300	1	0	0
Ditto ditto ditto exceeds £200, and does not exceed £300	0	15	0
Ditto ditto ditto exceeds £100, and does not exceed £200	0	10	0
Ditto ditto ditto, when the value does not exceed £100	0	5	0

Contributions to assurance fund upon first bringing land under this Act, and upon the registration of an estate of freehold in possession, derived by settlement, will, or intestacy:—

In the pound sterling	0	0	0½
Other fees—			
For every application to bring land under the Act	0	5	0
For every certificate of title	1	0	0
Registering memorandum of transfer, mortgage, encumbrance, or lease	0	10	0
Registering transfer or discharge of mortgage or of encumbrance, or the transfer or surrender of a lease	0	5	0
Registering proprietor of any estate or interest derived by settlement or transmission	0	10	0
For every power of attorney	0	10	0
For every registration abstract	1	0	0
For cancelling registration abstract	0	5	0
For every revocation order	0	10	0
Noting caveat	0	10	0
Cancelling or withdrawal of caveat, and service of notice to caveator or caveatee	0	5	0
Issuing order for foreclosure	1	0	0
For every search	0	2	0
For every general search	0	5	0
For every map or plan deposited	0	5	0
For every instrument declaratory of trusts and for every will or other instrument deposited	0	10	0
For registering recovery by proceeding in law or equity, or re-entry by lessee	0	10	0
For registering vesting of lease in mortgagee, consequent on refusal of assignees to accept the same	0	10	0
For entering notice of marriage or death	0	10	0
For entering notice of writ or order of Supreme Court	0	10	0
Taking acknowledgment of married women	0	5	0
Taking declaration in case of lost grant, or other instrument, or where production of duplicate is dispensed with	0	10	0
Taking affidavit or statutory declaration	0	5	0
For the exhibition or return of any deposited instrument, or for exhibiting or returning deeds surrendered by applicant proprietor	0	5	0
For certified copy, first five folios, per folio of seventy-two words	0	5	0
For every folio or part folio, after first five	0	0	8
For every instrument drawn on parchment	0	2	6
When any instrument purports to deal with land included in more than one grant or certificate, for each registration memorial after the first	0	2	0

G.

Q.—Scale of Charges for Land Brokers.

For application to bring land under the Real Property Act, where the land remains in the original grantee, although it may have been, or still remains, subject to lease or mortgage—*	0	10	0
Where the value does not exceed £400	½	4 ⁰	ct.
Where the value does not exceed £500	1	0	0
Where the value exceeds £500	1	0	0
For filling up and entering caveats, exclusive of any professional charges incident to litigation pending	0	10	0
Memorandum of transfer, lease, mortgage or encumbrance—†	0	10	0
Where the value does not exceed £400	½	4 ⁰	ct.
Where it exceeds £400	1	0	0
Where it exceeds £800	1	0	0
Whenever any implied covenant is modified, or any covenant not being of those for which abbreviated forms of words are hereinbefore prescribed, is introduced in any instrument, extra	0	5	0
Whenever any original section, or allotment, or parcel of land included in an existing grant or other instrument, is broken in any dealing, extra	0	10	0
Transfer of mortgage, or lease, or surrender of lease	0	5	0
Power of attorney without registration abstract	0	10	0
Power of attorney with registration abstract	1	0	0

I.

* These charges include filling up application, procuring declaration and signatures, procuring diagram from Land Office, and attendance and delivery at Registry Office. Where the title has not remained in the original grantee, an extra charge may be made, proportioned to the trouble, such cases being more in the nature of conveyancing.
† In the case of lease, and of annuity secured by encumbrance, ten years' rent, or ten years of such annuity, to be assumed as the value, for the purpose of calculating the per centage.

H.

Sydney, 28 July, 1862.

Sir,

With permission of the Committee on the Land Titles Bill, I would wish to supplement the evidence given by me, by suggesting for the consideration of the Committee the expediency of adding to the Real Property Act, handed in by me, a provision enabling persons holding leases for a life or lives, or for a long term of years, to bring their estates or interests under the provisions of the Act, although the fee or life estate other than a leasehold has not at the time been brought under those provisions.

The modifications which appear to me desirable in order to meet the circumstances of this older community are very few.

They are given at foot hereof, and the adoption of them will remove one of the few points of variance between the Torrens Act, as adopted in the other Australian Colonies, and the Bill presented to the House of Lords by the Lord Chancellor in February last.

I have, &c.,
Ro. R. TORRENS.

The Chairman of the Select Committee
on Land Titles and Transfer Bills.

AMENDMENTS REFERRED TO.

- Section 13, page 7, line 1—*Strike out* "not being a lease for a life or lives," and *insert* "or a leasehold for a life or lives or having a term of not less than twenty-five years then current." Line 2—*After* "that," *insert* "except in the case of an application by a lessee as regards the concurrence of his lessor."
- Section 14, line 24—*For* "surrender," *substitute* "deposit with." *And* line 25—*After* "title," *insert* "and in the case of a leasehold a duplicate or certified copy of the lease and of any other instrument under which the applicant claims title."
- Section 25, line 19, *for* "surrendered" *substitute* "deposited other than a lease," and line 20, *after* provided, *insert* "and in the case of a leasehold shall indorse upon the lease so deposited a memorandum stating that such lease has been brought under the provisions of this Act and shall certify such memorandum under his hand and seal and shall return such lease to the applicant annexing thereto the certificate of title as aforesaid and shall file in his office the duplicate or certified copy of such lease hereinbefore directed to be furnished by such applicant."
- Section 31, lines 6 and 7, *strike out* "not being a lease for life or lives."
New section A to be inserted after 31 :—
(A or 32) "Before bringing under the provisions of this Act an estate in fee simple or in fee tail in any land in respect to which a certificate of title has been issued for any leasehold estate or interest the Registrar General shall close the folium of the Registrar Book constituted by the certificate of title of such leasehold and shall carry forward upon the certificate of title issued in respect to such estate in fee memorials of such leasehold estate or interest and of all mortgages or other interests affecting the same then registered and still current and the memorials of all future dealings with such leasehold estates or interests hereinafter directed to be registered shall be entered upon the folium of the register book constituted by the certificate of title representing the fee."
- Schedule form A, line 5, *strikes out* "of freehold"; line 6, *after* "estate" *insert* "or leasehold for a life or lives or term of years."
- Schedule C, line 7, *after* "for life" *insert* "or leasehold for a life or lives or for a term of years."

SEPARATE APPENDIX.

(A.)

TRANSFER OF LAND BILL.

[Presented by the Lord Chancellor, 1862.]

ARRANGEMENT OF CLAUSES.

Extent of Act; Sec. 1.

PART. I.

AS TO THE REGISTRATION OF REAL ESTATES AND THE TITLE THEREOF.

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Limits of Registry; 3.

By whom Application for Registration to be made; 4.

Proceedings to obtain Registration of Title with Guarantee.

Examination of Title with Guarantee; 5.

Reference of Questions of Title; 6.

Declaration of Judge as to Validity of Title; 7.

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May be verified on Oath; 9.

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Contents of Notice; 12.

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As to exception &c. in Record of Title; 16.

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Proceedings for Registration without a Guarantee of Title.

Registration without Guarantee of Title may be made under certain Conditions; 24.

Registration of Leasehold Estates.

Leasehold Estates may be registered as Freehold Lands; 25.

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SCHEDULE.

A B I L L

INTITLED

An Act to facilitate the Proof of Title to and Conveyance of Real Estates.

WHEREAS it is expedient to give certainty to the Title to Real Estates and to facilitate the proof thereof and also to render the dealing with Land more simple and economical: Be it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. This Act shall apply to England only.

Extent of Act.

PART I.

AS TO THE REGISTRATION OF REAL ESTATES AND THE TITLE THERETO.

2. There shall be established a Registry of the Title to Landed Estates and the same shall consist of two parts or divisions one in which the recorded title shall be guaranteed and indefeasible the other in which the title shall not become guaranteed or indefeasible except under certain future conditions or at a future time.

Registry to be established.

3. The Registry shall be confined to estates of freehold tenure and leasehold estates in freehold lands.

Limits of Registry.

4. Application may be made for registration of title either with or without a guarantee by any of the following persons viz.

By whom application for registration to be made.

1. The owner of the fee simple
2. Persons who collectively are owners of the fee simple or have the power of acquiring the same
3. Persons who have the power of appointing the fee simple
4. Trustees for sale of the fee simple
5. The owner of the first estate of freehold and first vested estate of inheritance
6. Any purchaser of a fee simple where his contract empowers him so to do or the vendor consents
7. Any person authorized by the Court of Chancery to make such application.

Application may be made although the estate of the person applying may be subject to charges and incumbrances.

Proceedings to obtain Registration of Title with Guarantee.

5. On application for registry of title with a guarantee the title shall be examined by the Registrar and Examiners of Title hereinafter mentioned in such manner as general orders shall direct. No title shall be accepted for registration with a guarantee unless it shall appear to be such as a Court of Equity would hold to be a valid marketable title.

Examination of title with guarantee.

6. Any question doubt or dispute as to any matter of title that may arise in the course of such investigation may be referred to such Judge of the Court of Chancery as the Lord Chancellor shall appoint to hear applications under this Act.

Reference of questions of title.

7. If on such investigation it shall appear that the title is good and marketable save in respect of some contingency which has not happened or some uncertainty which cannot be ascertained or by reason of some outstanding legal estate which cannot be got in it shall be lawful for the Judge of the Court of Chancery if he shall think fit to make a declaration of the validity of the title with such particular exception or qualification or with a reservation of the rights of any person or class of persons and the Registrar shall enter the same accordingly with a guarantee of title (subject as aforesaid) in such manner as the Judge shall direct.

Declaration of Judge as to validity of title.

8. If the title shall subject as aforesaid be found to be good and marketable the applicants shall furnish to the Registrar and he shall examine and settle for the purposes of registration:

Particulars to be furnished to Registrar.

First. An exact description of the lands to be registered:

Secondly. A statement of the persons or classes or descriptions of persons that are or may become entitled to such lands and of the estates powers and interests that exist or may arise or become vested in such persons respectively:

Thirdly. A statement of the mortgages charges and incumbrances affecting such lands or any part thereof and of the persons entitled thereto both at law and in equity.

Copies of such description and statements when settled by the Registrar shall be delivered back to the applicants: Any objection to the same or to any part thereof if not allowed by the Registrar shall at the request of the applicants be referred to and decided by the Judge of the Court of Chancery.

9. If required by the Registrar the description of the land furnished by the applicant shall be verified by his own oath or the oaths of persons having full means of information.

May be verified

- Identity of lands to be established. 10. The identity of the lands with the parcels or descriptions contained in the title deeds shall be fully established and the Registrar shall have power by such local inquiries as he shall think fit to ascertain the accuracy of the description and the quantities and boundaries of the lands and he may require any map or plan to be made and deposited as part of the description.
- Notice of intention to register. 11. When such description has been settled and the Registrar is satisfied with the title shown to the land and with the result of the inquiries made he shall direct notice to be given by public advertisement of his intention to register such land with a guaranteed title at the expiration of a period not less than three months from the date of such advertisement.
- Contents of notice. 12. Such notice shall contain a copy of the description of the land proposed to be registered and the names and descriptions of the applicants for registration: A copy of such notice shall be served on every adjoining occupier and also on every person not having already had notice of the application who shall appear to have or claim any interest in or right over the estate or any part thereof: The notice shall also state the place time and manner at and in which any party may be heard to show cause against such registration.
- Cause may be shown against registration. 13. At the time and place named in the notice or at such time and place as general orders shall direct any person may attend and show cause before the Registrar by affidavit or otherwise against the registration or claim that the same should be subject to any conditions or reservations: the Registrar may decide on such objection or claim or may refer the same to the Judge of the Court of Chancery: If the Registrar decide either party may appeal from his decision to the said Court in manner hereinafter directed.
- Completion of registration. 14. If at the expiration of the time named in such notice there shall be no objection to the registration applied for or none allowed and no appeal pending the Registrar shall complete such registration in manner following that is to say:—
 Firstly. The Registrar shall enter in a book to be called "The Registry of Estates with a Guarantee of Title" such description of the estate as shall be finally approved of and shall annex thereto any map or plan which shall be deemed necessary and shall distinguish the estate so entered by a particular number or numbers and the entry shall refer to another book to be entitled "The Record of Title to Lands on the Registry":
 Secondly. In the last-mentioned book under the same number or numbers shall be entered in concise terms an exact record of the existing estates powers and interests in the land so registered as aforesaid and the names and descriptions of the persons or classes of persons that are or may become entitled thereto respectively:
 Thirdly. In a book to be entitled "The Registry of Mortgages and Incumbrances" shall be entered an account of all the charges and incumbrances affecting the lands or any part thereof or the estate or interest therein of any person named in the Record of Title.
- Books may be inspected. 15. Subject to such directions as may be given by general orders the aforesaid books of Registry may be inspected by the owners of the estates and interests or of the mortgages and incumbrances recorded therein: no other person shall be permitted to inspect such books except under an Order of the Court of Chancery.
- As to the Record of Title.*
- As to exception &c. in Record of Title. 16. In the Record of Title so made as aforesaid it shall be competent for the Registrar to specify or define any exception or qualification or condition affecting the whole of the interests so recorded or any of them and also to reserve expressly the right of any person or class of persons and to describe any outstanding right or possibility of claim or interest subject to which such registration is made.
- Any question as to true construction of any deed &c. to be referred by Registrar to Judge of Court of Chancery. 17. If in making up or afterwards continuing such Record of Title as aforesaid any question shall arise as to the true construction or legal validity or effect of any deed instrument or will or as to the persons entitled or the extent or nature of the estate right or interest power or authority of any person or class of persons or the mode in which any entry ought to be made in the Record of Title or any doubtful or uncertain right or interest stated or dealt with by the Registrar it shall be competent for the Registrar or for any of the parties interested to refer the same to a Judge of the Court of Chancery. If on such reference the Judge having regard to the parties appearing before him shall think proper to decide the question he shall have power to do so or to direct any proceeding at law or in equity to be instituted for that purpose or at his discretion and without deciding such question to direct such particular form of entry to be made on the Record of Title as under the circumstances shall appear to be right.
- Registrar may refer in Record of Title to deed &c. for estates of parties. 18. In any case described in the preceding section the Registrar may at the request of the parties or at his own discretion refer in the Record of Title to the deed will or other instrument for the estates and interests of the parties instead of setting out or describing the same.
- Persons entitled to principal money &c. not to be entered in Record of Title unless Registrar thinks fit. 19. The names of the persons entitled to the proceeds of any trust for sale of the lands so registered or to any principal money to be raised by virtue of any charge under the trusts of any estate or term shall not be entered in such Record of Title unless the Registrar shall think fit so to do but the estate of the trustees shall be defined and the purpose of the trust shortly described.

When

When a Parliamentary Title shall arise.

20. Subject to any exception qualification or condition mentioned in such Record of Title and to any right or interest thereby reserved and to any registered charges or incumbrances and to such charges and interests (if any) as are herein declared not to be incumbrances the persons originally and from time to time named and described in such Record of Title as aforesaid shall for the purposes of any sale mortgage or contract for valuable consideration by such persons respectively be and be deemed to be as from the date of registering such record by the Registrar or from such time as shall be fixed by him therein absolutely and indefeasibly possessed of and entitled to such estates rights powers and interests as shall be defined and expressed in such record against all persons and free from all rights interests claims and demands whatsoever including any estate claim or interest of Her Majesty Her Heirs and Successors.

Persons described in Record of Title to be deemed as possessed of such estates &c.

21. Before the final registration of any land with a guarantee of title the applicant and his solicitor and such other person or persons as the Registrar shall require shall make oath that all deeds wills and writings relating to the title of the lands or any part thereof and all facts material to the title thereto and all charges liens incumbrances contracts and dealings affecting the same or any part thereof or giving any right as against the applicant have to the fullest extent of their respective knowledge information and belief been made known to the Registrar or the persons employed by him.

Before registration applicant and solicitor to make oath that all deeds &c. have been made known to Registrar.

22. If at any time before registration the Registrar is of opinion that any further or other evidence is necessary he may refuse to complete the registration until such further or other evidence shall have been produced.

Registrar may refuse registration.

23. The Registrar shall before taking any proceeding on an application for registration with a guarantee of title require the applicant to give such security for costs as general orders shall direct.

Registrar may demand security for costs.

Proceedings for Registration without a Guarantee of Title.

24. Application for registration without a guarantee of title may be made by any person subject to the following conditions:—

Registration without guarantee of title may be made under certain conditions.

1. The applicant shall prove to the satisfaction of the Registrar that he or some person under whom he claims has been in the actual enjoyment or receipt of the rents and profits of the land as owner of the fee simple thereof continuously and without interruption for a period of ten years immediately preceding the time of such application.

2. The last deed or will (if any) under which the applicant derives title shall be produced to the Registrar.

If the applicant claims as heir-at-law evidence shall be given that the ancestor was in the enjoyment of the estate as owner thereof at the time of his decease.

3. The rules above enacted as to the description of the land to be registered shall apply and the Registrar shall adopt the same course and take the same proceedings for the purpose of ascertaining the accuracy of the description of the lands and of the boundaries thereof as are herein-before directed with respect to registration with a guarantee of title.

4. A statutory declaration shall be made by the applicant and his solicitor and if necessary any other person whose evidence may be deemed necessary by the Registrar that they respectively believe the applicant to be either alone or jointly with other persons to be named and described (and subject to any qualification condition or exception which shall be stated) well entitled to the fee simple of the lands proposed to be registered.

5. If the land be registered the Registrar shall in the Record of Title define the time event or circumstances from and after which a guarantee of title shall attach. When the time has arrived the event happened or the defined circumstances exist a Judge of the Court of Chancery may upon proof thereof and if there be no other objection direct a transfer of the land to the Registry of Estates with a guarantee of title and thereupon the Registrar shall make up a proper record of the title to such land and the applicant and other persons named in such record of title shall have the same estates rights and privileges as if the land had been registered with a guarantee of title.

6. Subject to the enactments herein contained the registration of any person as owner of land without a guarantee of title shall not prejudice any estate right or interest created or existing at or before the date of such registration.

Registration of Leasehold Estates.

25. Leasehold estates namely lands demised for terms of years of which fifty years are still to come and unexpired or demised for lives or for years determinable with lives and in which two lives at least are still subsisting may be registered with a guarantee of title in a similar manner and subject to the same or similar directions and rules of proceeding as are herein contained with respect to freehold lands. Such application may be made by persons having such estates and interests in the leasehold estates as are similar or correspondent to the estates and interests of the persons entitled to apply for the register of freehold land. No guarantee of title shall in the case of a leasehold extend to the title of the lessor or grantor of the same. Such further directions shall be observed with regard to leasehold estates as shall be given from time to time by general orders.

Leasehold estates may be registered as freehold lands.

General

General Provisions as to Title.

Charges and liabilities not to be deemed Incumbrances.

26. The following charges and liabilities shall not be deemed incumbrances within the meaning of this Act namely—

1. Land tax succession duty tithe rent charges rents payable to the Crown.
2. Public rights of way liability to repair highways by reason of tenure rights of way watercourses and rights of water manorial rights and franchises.
3. Leases or agreements for leases not exceeding twenty-one years where there is an actual occupation under the same.

Nevertheless where any such charges or liabilities appear or are discovered in the course of proceeding prior to registration the Registrar shall in such manner as he shall think fit notice in the Register the existence of such charges or liabilities.

Land may be registered as one estate.

27. Land entered on the Register may at the option of the proprietor be registered as one estate or as separate estates but the particulars of each estate and any transactions relating thereto shall subject to any regulations to the contrary that may be made by general order form a separate record in the Register distinguished by a separate number or in such other manner as the Registrar may determine.

Registered land made subject to certain conditions &c.

28. If land registered or proposed to be registered or any part thereof be subject or be agreed to be made subject to any condition as for example that it shall not be built upon or used in a particular manner or any other legal condition notice thereof may be entered in the "Record of Title" and any transfer demise or charge of such land shall be subject to such condition but it shall be lawful for the Court of Chancery to discharge alter or modify any such condition upon hearing all parties who may be entitled to claim under or against the same.

Notice of registration of land to be given by Registrar to interested person.

29. So soon as any land is registered if there shall appear to be any charge or incumbrance affecting such land or any part thereof which is entered in the Registry of Incumbrances (the owner of which has not had notice of the application) notice of such registration shall be immediately given by the Registrar to the person entitled or interested in such charge or incumbrance.

Every estate &c. to be entered in Record of Title after registration of land.

30. From and after the registration of any land every estate or interest use trust mortgage charge lien right or title granted declared arising becoming vested or in any manner created or coming into existence in to upon out of or affecting such land or any part thereof (except as herein excepted) shall be entered described or noticed in the Record of Title or Registry of Incumbrances to be so kept as aforesaid.

Estates of registered proprietors subject to existing law.

31. Subject to the enactments herein contained the estates and interests of all registered proprietors shall remain subject to the existing law and may be dealt with assured devised and transmitted by descent or representation according to the ordinary rules of law and equity.

Registered proprietor may close Register.

32. The registered proprietor of land may with the consent of all persons appearing by the Register to be interested in such land remove the same from the Register and thereupon the Register shall as respects such land be deemed to be closed.

Caveat against Entry of Land on Register.

Caveats may be lodged with Registrar to the effect that cautioner is entitled to notice.

33. Any person having or claiming such an interest in land as entitles him to object to any disposition thereof being made without his consent may lodge a caveat with the Registrar to the effect that the cautioner is entitled to notice of any application that may be made for registration of such land and appointing a place within Great Britain for the service of such notice.

Caveat to be supported by affidavit.

34. The caveat shall be supported by an affidavit stating the nature of the interest of the cautioner and such other matters as may be required by the Registrar.

How notice to be served.

35. Notice may be served on the cautioner either personally or by sending it through the post to the address stated in the caution.

After caveat no registration to be made of lands till ten days after notice

36. After a caveat has been lodged no registration shall be made of any lands to which such caution refers until notice has been served on the cautioner to appear and oppose such registration and ten days have expired since the date of the service of such notice or the cautioner has entered an appearance which may first happen.

Compensation if caveat lodged without reasonable cause.

37. If any person lodges a caveat with the Registrar without reasonable cause he shall be liable to make to any person who may have sustained damage by the lodging of such caution such compensation as may be just and such compensation shall be deemed to be a debt due to the person who has sustained damage from the person who has lodged the caution.

Caveat not to prejudice claim or title of any person.

38. A caveat lodged in pursuance of this Act shall not prejudice the claim or title of any person and shall have no effect whatever except to entitle the cautioner to receive such notice as is hereinbefore mentioned of any application made for registration of land.

PART II.

POWER OF THE COURT OF CHANCERY TO DIRECT REGISTRATION OF TITLE.

Who may apply to Court for declaration of title.

39. The persons hereinbefore authorized to apply to the Registrar for registration of title with a guarantee may respectively apply to the Court of Chancery for a declaration that they are indefeasibly entitled to the fee simple of any land.

How application to be made.

40. The application may be made by petition or in such form as shall be directed by any general orders and the applicant may be required to give security for costs.

Court to examine title make inquiries and give notices.

41. If the Court accedes to the application it shall proceed to examine the title to the land and to make such inquiries and give such notices as are hereinbefore directed on the occasion of applications to the Registrar for registration of title with a guarantee or such other inquiries and notices as under the circumstances it shall deem fit.

42. The Court shall hear all persons having an interest to oppose such application or to object to a declaration of an indefeasible title being made. Court to hear all parties opposing.

43. Any order made by the Court shall be subject to rehearing and appeal in the same manner as the orders made in the exercise of its ordinary jurisdiction. Order of Court subject to appeal

44. If the Court is satisfied that the land ought to be entered in the Register with a guarantee of title it shall make a declaration and order accordingly. Such order shall set forth the description of the land to be entered in the Registry of Estates and also the entries to be made in the Record of Title and if necessary in the Register of Incumbrances and the same shall be carried into effect by the Registrar who shall be a party to every such application to the Court. If Court satisfied order to be made accordingly.

45. In the declaration of title and order the Court may annex any condition to the title or may reserve the rights of any person or class of persons. Court may annex conditions or reserve rights.

PART III.

SIMPLIFICATION OF TITLE BY JUDICIAL SALES.

Sales by Court of Chancery.

46. Sales may be made by the Court of Chancery of land with an indefeasible title upon the application by petition or otherwise as general orders may direct of any of the persons who are hereinbefore empowered to apply for registration of title and also on the application of any person having a freehold estate in the land on his proving to the satisfaction of the Court that by reason of the complexity of title the number of persons interested the amount of charges or from any other cause it will be beneficial to the parties principally interested in such land as owners thereof that a sale of such land should be made by the Court. Sales of land may be made by the Court on application by owner.

47. Such application shall be served on such persons as the Court shall think fit before a preliminary order is made. Application to be served on parties.

48. By its preliminary order or orders the Court shall provide for the examination of the title to the land and the ascertainment of a correct description thereof and shall also make such inquiries as to the parties interested either as incumbrancers owners or otherwise and direct such notices to be given as it thinks necessary to enable it to form a judgment as to the propriety of a sale and shall hear by themselves their counsel or agents any persons interested in such land who may apply to them to be heard and shall upon the conclusion of such inquiries and after hearing such parties if any as aforesaid make such order as to the sale of such lands as it thinks just. Court shall provide for examination of title &c. before making order for sale.

49. Before making any order the Court may require the applicant to give security for costs. Applicant to give security for costs.

50. Sales so directed may be conducted in the ordinary manner but the biddings shall not be opened unless it is one of the conditions of sale that the biddings may be opened. How sales to be conducted.

51. The purchase money on any sale made by the Court shall be paid into the Bank of England to such account as the Court may direct and on such payment being made the Court shall make an order vesting the land in the purchaser subject or not as the case may require to the incumbrances specified in such order and subject in all cases to such charges or interests as may be subsisting thereon and are hereinbefore declared not to be incumbrances within the meaning of this Act. Purchase money to be paid into the bank as Court may direct.

52. The payment of the purchase money into the Bank shall exonerate the purchaser from all liability whatsoever with respect to the same. Such payment to exonerate purchaser from liability.

53. Any vesting order by the Court shall bear the same stamp as if it were a conveyance made by an ordinary vendor. Vesting order to be stamped.

54. Before any vesting order is made as aforesaid the applicant for the sale or his solicitor may be personally examined by the Court or required to give satisfactory evidence as to the fact that all settlements deeds wills and instruments of title and all charges and incumbrances affecting the title to the land which is the subject of the application and all facts material to such title have been disclosed and that there is not to their or either of their knowledge information or belief any deed charge or incumbrance affecting the title to the said land nor any fact material to the said title not fully and fairly disclosed as aforesaid. The Court may require any person proposing to make an affidavit in pursuance of this section to state in his affidavit what means he has had of becoming acquainted with the several matters referred to in this section and if the Court is of opinion that any further or other evidence is necessary it shall not make such vesting order until such further or other evidence is produced. Applicant for sale and his solicitor may be examined concerning title before vesting order made.

55. Where any sale of the fee simple of land is about to be made under the order of the Court of Chancery in pursuance of an Act passed in the twentieth year of the reign of Her present Majesty chapter one hundred and twenty and intituled "*An Act to facilitate Sales and Leases of Settled Estates*" or of any Act amending the same or in pursuance of any other order of the Court the Court of Chancery may on the application of any parties interested in such sale take such steps as are hereinbefore directed and if satisfied of the propriety of so doing may make an order directing the land to be put up for sale with an indefeasible title and also an order vesting the land in a purchaser and any such vesting order shall have the same effect as if it had been made on an application to the Court under this part of this Act. Where sales are made under 20 Vict. c. 120 the Court may make order as under this Act.

56. Every vesting order made by the Court of Chancery in pursuance of this part of this Act shall confer on the person in whom the land is vested an estate in fee simple together with all rights privileges and appurtenances therewith enjoyed or reputed as belonging Vesting order to confer on person in whom land is vested an estate in

fee simple
with all rights
privileges &c.

belonging or appurtenant thereto subject to the incumbrances exceptions or qualifications if any appearing in the order and subject also unless the contrary is expressed in the order to such charges and interests if any as are hereinbefore declared not to be incumbrances but free from all other estates rights incumbrances and interests whatsoever including all estates interests and claims of Her Majesty Her Heirs and Successors.

Court may make
a qualified
vesting order
where title is
shewn for a
limited period
only.

57. Where upon an application being made for a sale by the Court of Chancery it is proposed that a good title should be shewn to the purchaser for a limited period only the Court may make a qualified vesting order declaring by a statement contained in such order or by indorsement thereon or by such other manner as the Court thinks fit that the title is to be deemed to commence from the date of some specified instrument or from other specified date.

Effect of quali-
fied vesting
order.

58. A qualified vesting order shall not affect or prejudice any estate title or interest in or to such land created or arising prior to the date at which the title is stated to commence but save as aforesaid shall have the same effect as an absolute vesting order.

Court of Chan-
cery may require
production of
deeds &c.

59. The Court of Chancery may in the course of any proceedings relating to land wherein a vesting order is sought to be obtained require all persons having any deeds or evidences of title relating to such land to produce the same to the Court upon such terms and subject to such conditions as the Court may think just.

Distribution of
moneys paid into
bank.

60. The Court of Chancery shall determine the rights and priorities of the several persons entitled to or interested in any moneys so paid into the Bank of England under this part of this Act and shall distribute the moneys among such persons in accordance with such rights and priorities rendering the surplus if any to the parties entitled thereto their executors administrators or assigns.

Disposal of
money not im-
mediately dis-
tributable.

61. Where any money paid into the Bank in pursuance of this Act is not immediately distributable or the parties entitled thereto cannot be ascertained or where from any other cause the Court thinks it expedient for the protection of the rights of the parties interested therein it may order such money to be transferred to such account as the Court directs in trust to attend the orders of the Court and it may by its order declare the trusts affecting such money so far as it has ascertained the same or state the facts found by it in relation to the rights and interests therein and generally the Court may make such orders with respect to any such moneys and the investment or application thereof or the payment thereof out of Court as the circumstances of the case require.

Disposal of
deeds after
vesting order
made.

62. When the Court of Chancery has made a vesting order of land in pursuance of this part of this Act all such deeds and evidences of title delivered to the Court as relate exclusively to the land and are of no avail except for the purpose of substantiating the title to the land shall be delivered to the purchaser and all other deeds and evidences of title delivered to the Court relating to the land or to any part thereof shall be returned to the parties entitled to the custody thereof but previously to the same respectively being so delivered or returned they shall be stamped or otherwise marked in such manner as to give notice to any person inspecting such deeds or evidences of title of the proceedings taken by the Court in relation to the land or any portion of the land comprised in such deeds.

Vesting order
to direct entry
on register.
Contents of
vesting order.

63. Every such vesting order shall direct the Registrar to enter the name of the person entitled on the Register as the proprietor of the land with a guarantee of title.

64. The order shall state the name and description of the person entitled and describe the lands to be registered with the addition of the incumbrances if any affecting such lands and such other matters as the Court thinks fit to insert therein including in the case of an applicant entitled only to a qualified vesting order a statement of the date at which the title as registered is to commence it shall also bear the same stamp as if it were a conveyance.

Vesting order
to confer inde-
feisible estate.

65. The registration of any person under such vesting order shall confer on the person so registered an indefeisible estate subject to the incumbrances if any entered on the Register and subject also unless the contrary is expressed to such charges and interests if any as are hereinbefore declared not to be incumbrances but free from all other estates rights incumbrances and interests whatsoever including estates interests and claims of Her Majesty Her Heirs and Successors.

Registration
with a qualified
title not to affect
prior claims.

66. The registration of any person as first proprietor of land with a qualified title shall not affect or prejudice the right of any person claiming any estate title or interest created or arising prior to the date at which the title is stated on the register to commence but save as aforesaid shall have the same effect as registration with a guaranteed title.

Entry of dis-
charge of in-
cumbrance.

67. Where upon the first registration of the land under a vesting order notice of any incumbrance affecting such land has been entered on the Register the Registrar shall on proof of the discharge of such incumbrance enter a memorandum of such discharge on the Register and upon such entry being made the incumbrance shall be deemed to be discharged.

Compensation
to persons
aggrieved.

68. Where any order has been made by the Court of Chancery vesting land in a purchaser or where any person has been registered with a guarantee of title under a vesting order any person aggrieved by such order or registration may apply to the Court of Chancery to be reimbursed for any injury he may have sustained out of any purchase money that may be remaining in Court but he shall not be entitled to any compensation out of the Consolidated Fund or have any right to or claim upon the land so conveyed or registered.

Scale of costs

69. The Lord Chancellor may from time to time fix a scale of costs to be paid in respect of proceedings under this part of this Act and he may from time to time alter any such scale when fixed subject nevertheless to the provisos following :

1. The amount of costs shall be fixed with reference to the value of the land sold as determined by the amount of purchase money with this qualification that the amount payable shall not in any case exceed per cent. on the value of the land.

2. A maximum amount shall be fixed and in cases where the value of any land exceeds such maximum the Lord Chancellor may make payable in respect of such excess costs on such a reduced scale as he thinks expedient.

70. In every proceeding under this part of this Act the Court shall have full power and discretion as to the giving or withholding costs and expenses and as to the persons by whom and the funds out of which the same shall in the first instance or ultimately be paid repaid and borne and may direct the same to be paid to or apportioned among such persons as it sees fit. As to costs and expenses.

71. The Lord Chancellor with the advice and assistance of the Master of the Rolls the Lords Justices of the Court of Appeal in Chancery and the Vice Chancellors or of any three of them shall from time to time make such general rules and orders as he may see fit for carrying the purposes of this and the second parts of this Act into effect and for regulating the times and form and mode of procedure and generally the practice of the Court in respect of the matters to which the second and third parts of this Act relate and such rules and orders may from time to time be rescinded or altered by the like authorities respectively and all such rules and orders shall take effect as general orders of the Court. General rules and orders.

72. The Lord Chancellor may from time to time assign the duties by this part of this Act vested in the Court of Chancery to any particular Judge or Judges of that Court and may appoint such new or additional clerk or clerks as to him may seem necessary for enabling such Judge or Judges duly to execute the duties imposed on it and every such additional clerk shall receive out of the Suits Fee Fund such salary as the Lord Chancellor may think proper. As to assignment of duties.

PART IV.

AS TO THE TRANSFER OF REGISTERED LAND.

73. All registered land and every part thereof may be conveyed charged settled dealt with or affected in or by any of the following modes or dispositions that is to say. Conveyance &c. of registered land.

Firstly—by a statutory disposition in any of the forms described in this Act.

Secondly—by indorsement on the land certificate.

Thirdly—by deposit of the land certificate.

Fourthly—and subject to the provisions of this Act by any deed will judgment decree or instrument by which such land if not registered might now according to law be conveyed charged settled devised dealt with or affected.

But no equitable mortgage or lien on registered land shall be created by a deposit of title deeds.

74. On the occasion of any sale mortgage or other disposition of registered land or of any estate thereon the parties or their agents duly authorized may attend at the Registry Office to complete the transaction. The description of the land and of the estate therein proposed to be conveyed shall be taken from the "Registry of Estates" and "Record of Title" and inserted under the superintendence of the Registrar in one of the statutory forms of conveyance described in the Schedule hereto and such conveyance shall be executed by the parties or their agents in the presence of and attested by (among others) such officials as the Registrar shall appoint and shall then and there (together with the powers of attorney) be delivered to the Registrar for the purposes of registration who shall make the proper entries in the Register accordingly. Attendance of parties at Registry Office on sale &c. of registered land.

75. The registered proprietor of any land estate or interest may convey or charge the same by the forms of conveyance mentioned in the Schedule hereto and the same shall be as complete and effectual as any other form of conveyance would have been either at law or in equity. Forms of conveyance in Schedule hereto of registered land.

76. The persons taking under the statutory forms of conveyance mentioned in the Schedule to this Act shall take as fully and effectually as if the estates rights powers and authorities expressed to be created and given by such forms respectively had been conveyed created or granted by any of the modes of assurance now known to the law. Forms of conveyance in Schedule as effectual as other forms.

77. The forms contained in the Schedule may be modified or altered in expression to suit the circumstances of every case and the conveyances made in such altered forms shall be equally valid and effectual. Forms may be modified or altered.

As to Land Certificates.

78. The Registrar shall upon request deliver to every person who is named or described in the Record of Title as the owner of any estate or interest in lands upon the Registry a certificate (herein called a land certificate) under the Seal of the office and signed by the Registrar which certificate shall contain first a copy of the description of the same lands as appearing in the Registry of Estates with all the entries relating thereto and secondly a copy of the entries relating to the same lands appearing in the Record of Title and thirdly a copy of the entries in the Registry of Incumbrances of the mortgages charges claims and liens on or affecting the estate and interest of such owner and such certificate shall certify whether such lands are registered with or without a guarantee of title and shall be distinguished by the number under which the lands are registered in "The Registry of Estates" and shall contain all such other particulars as are material or useful for the purpose of manifesting the exact nature of such owner's estate and interest. Registrar to deliver land certificates.

79. At the request of the holder the Registrar shall at any time compare such land certificate with the Registry and if there has been no alteration shall certify at the foot of such certificate that it contains a true statement of the entries in the Registry and shall sign the same and add the date of such signature. Any alteration or omission which can be conveniently made in the land certificate or any addition thereto so as to make the same correspond Registrar at request of holder to compare certificate with Registry.

correspond with any alteration in the Registry may be made and signed by the Registrar if he shall think fit. A new land certificate may be granted on the delivery up of the former certificate. A certificate shall be granted to any person who shall appear by the Registry of Incumbrances to be entitled to any mortgage charge or incumbrance on registered lands which certificate shall contain a description of the lands and the particulars of the incumbrance.

Registered proprietors desirous of selling &c. may obtain special land certificate.

80. Whenever any registered proprietor shall be desirous of selling mortgaging or settling any registered land or estate therein he may obtain from the Registrar a special land certificate for that purpose which shall contain an exact description of the land proposed to be so dealt with taken from the Registry of Estates and shall also state the nature of the estate and interest of such proprietor therein and the particulars of the incumbrances if any affecting the land described. Such certificate shall be final and conclusive evidence of the title of the registered proprietor to the land as appearing by such certificate. No entry shall be made by the Registrar in the Registry of any deed instrument act or transaction affecting the land comprised in such special certificate and the estate of the registered proprietor described therein except on the delivery up of such certificate until fourteen days have expired from and after the day of the date thereof. A note of such special certificate shall be entered in the Record of Title and also in the Registry of Incumbrances.

Certificate to be evidence. Conveyance of lands by indorsement.

81. Every land certificate shall be evidence of the several matters therein contained.

82. The lands and the estate therein of the owner described in such land certificate may be effectually conveyed or charged by indorsement thereon according to any of the forms of assurance by indorsement contained in the Schedule to this Act.

Deposit of certificate.

83. The deposit of the land certificate shall for the purpose of creating a lien on the estate and interest of the depositary be equivalent to a deposit of the title deeds of the estate.

Conveyance by statutory form.

84. On the conveyance of any registered land or any interest therein by a statutory form of conveyance including indorsements a duplicate thereof shall be signed by the registered proprietor and delivered or sent so that the same may be received by the Registrar within two days after the day of execution.

As to Conveyances not in Statutory Form.

Estates &c. in land may be created by will &c.

85. Every person having a sufficient estate or interest in registered land may by will deed or other instrument create the same estates and interests in and enter into the same contracts and engagements with respect to such land as he might do if the land were not registered but every such deed will or other instrument shall be registered and the same shall not affect the right or interest of any person claiming for valuable consideration under any deed or other instrument that has been previously registered.

Where estate &c. not conveyed in statutory form deed or copy to be sent to Registrar.

86. On the execution of any deed or instrument not in the statutory form conveying mortgaging or charging the estate or interest of any proprietor on the Registry the original or a copy of such deed or instrument shall be sent to the Registrar by the grantee or person taking benefit under the same within two days after the day of the execution thereof by such proprietor such copy shall be attested by a Solicitor of the High Court of Chancery and it shall be compared with the original in such manner as the Registrar shall direct who shall have power to require the original to be produced or inspected for that purpose in such manner as he shall think fit.

When deed received by Registrar estate created to be deemed duly registered.

87. So soon as the original or the copy of any deed or instrument in writing whatsoever affecting registered land or creating or affecting any estate or interest therein has been received by the Registrar such deed or instrument and the estate and right created thereby shall be deemed to have been duly entered on the Registry. An official note of reference to such deed or instrument shall forthwith on receipt thereof be made by the Registrar in "The Record of Title" or "Registry of Incumbrances" as the case may be and the legal effect of such deed or instrument shall be afterwards duly entered therein and the form of entry shall be settled in the manner hereinbefore described.

Notice when to be sent to Registrar.

88. Notice of every instrument transferring or in anywise dealing with or affecting the ownership of or the right to receive money due on any mortgage charge or incumbrance entered on the Registry shall be given to the Registrar who shall note the same in the "Registry of Incumbrances."

Where estate transmitted to any person by descent such person to be registered.

89. Where the estate or interest of a registered proprietor is transmitted on his death to any other person by descent will or representation such other person shall be entered on the Register in the place of the deceased proprietor. If such person cannot be ascertained or there shall be any doubt dispute or litigation touching the ownership of the estate of such deceased proprietor it shall be lawful for the Court of Chancery to appoint a person to be registered in the room of such deceased proprietor as the representative of such estate or interest.

In case of bankruptcy assignees to be registered.

90. On the bankruptcy of any registered proprietor the assignee or assignees of his estate shall be entitled to be registered in his place.

Judgments not to affect land till registered.

91. No judgment of a Court of Common Law nor any order or decree of any other Court shall bind or affect any registered land unless and until the same shall have been registered.

Form of memorial.

92. The form of the memorial of judgments orders and decrees for the purpose of registration shall be settled by general orders.

Memorial of will may be registered instead of copy thereof.

93. In lieu of a copy of a will a memorial thereof containing a copy of all the provisions in the will relating to or affecting any registered land may be delivered to the Registrar for the purpose of registration.

Execution to be proved as Registrar may require.

94. The execution of the original deed will or instrument so proposed to be registered and the exactness of every copy or memorial delivered for registration shall be proved in such manner as the Registrar shall from time to time require.

95. Memorials of descents deaths marriages and of the evidence thereof respectively and such other memorials and evidence of matters relating to registered lands as the Registrar shall on the same being delivered to him deem important shall be registered but all such documents shall be printed for that purpose.

Memorials of descents &c. to be registered &c.

96. On receiving any instrument hereby directed to be registered the Registrar shall make an official note of the effect of every such instrument judgment order or decree in the Record of the Title of the person whose estate or interest is affected thereby and he shall also enter on the Record of Title a reference to the book and page of the book containing such registered instrument or memorial.

Registrar to note effect of instruments &c.

97. An official note of an instrument entered on the Register may consist of a reference to such instrument or of an extract therefrom or of a short statement of the effect or nature thereof or of an intimation that no disposition is to take place without the consent of some person named in such instrument or of such matters and in such form as shall be from time to time directed or allowed by any general order.

Official note what to contain

98. For the purpose of registration a printed copy of every deed will or instrument under or by virtue of which any interest or right is claimed in or to any registered land may be delivered to the Registrar but if the original or a written copy of any such deed will or instrument be delivered to the Registrar the same shall be printed by his order but at the expense of the person registering the same.

Printed copy of deed &c. to be delivered to Registrar.

99. The Registrar upon the application of the person entitled under any registered instrument or upon being satisfied that the purpose of such instrument is determined or satisfied may remove the same from the Register and erase or cancel any official note thereof and thereupon such instrument and any memorial thereof may be destroyed or otherwise dealt with as the Registrar may think fit.

Registrar in certain cases may erase official note.

100. No dealing with any registered land nor any instrument or transaction affecting the same or any estate or interest therein shall be completed entered or noticed on the Registry or in any manner take effect until the Registrar shall be satisfied that the stamp and *ad valorem* duties which would be payable to Government in respect of the same matters have been duly paid.

No dealing with registered land effectual until stamp and *ad valorem* duties paid.

As to Notice.

101. No purchaser for valuable consideration claiming under any statutory disposition shall be affected by or deemed to have any notice whatever of any registered deed will instrument memorial or fact of which an official note is not made on the Record of Title and no person claiming under a registered instrument as a purchaser for valuable consideration shall be affected by or deemed to have any notice whatever of any deed instrument will judgment order decree lien fact or evidence not appearing on the Register.

No purchaser affected by any deed &c. not noted on Record of Title.

102. The entry of any estate charge or claim in the Record of Title shall be notice to all persons of the existence of the estate charge or claim described therein.

Entry in Record of Title to be general notice.

PART V.

GENERAL PROVISIONS TO FACILITATE REGISTRATION.

103. If on the examination of any title it shall appear that the land or any part of it is subject to any money charge or incumbrance the ownership of which is not ascertained or the right to which is doubtful or uncertain or to any doubtful or uncertain right or claim which may be estimated or compensated by money and does not involve a right to the land itself otherwise than as a security for money the case may at the request of the applicant for registration be referred to a Judge of the Court of Chancery sitting in Chambers for the purpose of determining whether such right or claim and the costs of any party entitled by virtue thereof can be justly provided for by payment of money into Court and if so to fix the sum to be so paid in and direct the investment and application of the interest thereof and after such payment shall have been made the land and the title thereto shall be wholly discharged from such right claim charge or incumbrance as fully as if the same had never existed.

Money charge not ascertained &c. may be referred to Judge at Chambers.

104. Where any part of the money arising from the sale of a registered estate is not immediately distributable or the persons entitled thereto cannot be fully ascertained or where there might be under ordinary circumstances a difficulty as to the sale and conveyance of an estate by reason of the persons who may become entitled under any limitation or gift not having come into esse or not being fully ascertained or where from any other cause it shall be deemed expedient for the protection of the rights of parties interested or that may become interested so to act it shall be competent for one of the aforesaid Judges of the Court of Chancery on any application for that purpose made with the concurrence of the Registrar to direct any sale to be made or to direct the proceeds or any sum of money arising from such proceeds to be paid into the Court of Chancery or otherwise invested and to declare the account or purpose to or for which such money is to be transferred or holden and afterwards to make all such orders touching such money and the investment application and distribution thereof as the circumstances of the case may require.

Judge may order money not distributable &c. to be paid into Court of Chancery.

105. When an estate is entered on the Register whether with or without a guarantee of title all such deeds and evidences of title as shall be produced to the Registrar or as he shall require to be produced for this purpose shall be stamped or indorsed in such a manner under the direction of the Registrar as to give notice to any person to whom such deeds or instruments may be afterwards produced that the land or some portion of the land comprised therein has been registered under this Act.

Deeds to be stamped.

Judge may decide questions of priority of incumbrances &c.

106. If in any proceeding under this Act any question shall arise respecting the priority of any charges or incumbrances claims or interests it shall be competent to the Registrar to report the same to a Judge of the Court of Chancery who shall have power to summon all parties interested to attend him either in Court or at Chambers and to decide all questions touching the priority and relative rights of the parties as fully as if they were parties to a suit instituted for the purpose.

As to Restraint of Conveyance.

As to restrictions on conveyance &c. of land.

107. Where the registered proprietor of any land or charge is desirous for his own sake or at the request of some person beneficially interested in such land or charge to place restrictions on transferring or charging such land or charge such proprietor may upon application to the Registrar direct that no transfer shall be made of or charge created on such land or charge unless the following things or such of them as he may prescribe are done (that is to say)

Unless notice of any application for a transfer or creation of a charge is transmitted by post to such address as he may specify to the Registrar

Unless the consent of some person or persons to be named by such proprietor is given to the transfer or creation of a charge

Unless some such other matter or thing is done as may be required by the applicant and approved by the Registrar.

Registrar to make a note of such restrictions.

108. The Registrar shall thereupon make a note of such directions on the Record of Title of such proprietor or otherwise as he shall think fit and no transfer shall be made or charge created except in conformity with such directions but it shall not be the duty of the Registrar to enter any of the above directions except upon such terms as to payment and otherwise as the Registrar may direct or to enter any restriction that the Registrar may deem unreasonable or calculated to cause inconvenience and any such directions may at any time be withdrawn or modified at the instance of all the persons for the time being appearing by the Registry to be interested in such directions and shall also be subject to be set aside by the order of a Judge of the Court of Chancery.

Court of Chancery may exercise powers of Trustee Act 1850 &c.

109. For the purpose of authorizing or compelling a transfer to be made of any registered land or charge the Court of Chancery may exercise all such powers as are vested in it by the Trustee Act 1850 or by any Act amending the same in relation to transfers of stock.

Caution.

Person interested may lodge caution with Registrar.

110. Any person interested under any instrument entered on the Register of Assurances other than an instrument of which an official note has been made on the Record of Title or interested under an agreement or otherwise howsoever in any land or charge registered in the name of any other party may lodge a caution with the Registrar to the effect that no statutory disposition of such land or charge be made until notice has been served upon the cautioner.

Caution to be supported by affidavit.

111. The caution shall be supported by an affidavit made by the cautioner or his agent in such form as the Registrar shall direct stating the nature of the interest of the cautioner and such other matters as may be required by the Registrar.

Statutory disposition of land not to be registered until notice served on cautioner.

112. After any such caution has been lodged in respect of any land or charge the Registrar shall not register any statutory disposition thereof until he has served notice on the cautioner warning him that his caution will cease to have any effect after the expiration of twenty-one days next ensuing the date of such notice and after the expiration of such time as aforesaid the caution shall cease unless an order to the contrary is made by the Court of Chancery and upon the caution so ceasing the land or charge shall be dealt with in the same manner as if no caution had been lodged.

Cautioner to give security against damage sustained by delay of disposition of property.

113. If before the expiration of the said period of twenty-one days the cautioner or some other person on his behalf appears before the Registrar and enters into a bond with sufficient security conditioned to indemnify every party against any damage that may be sustained by reason of any disposition of the property being delayed the Court of Chancery may thereupon if it thinks fit so to do make an order on the Registrar requiring him to delay registering any disposition of the property for such further period as is mentioned in the order.

As to priority of cautions.

114. Where two or more cautions are lodged with respect to the same land or to the same charge the cautioners shall as between themselves have priority according to the dates at which their cautions are lodged and not according to the dates of the creation of the claims in respect of which they have lodged such cautions.

Compensation for lodging caution without reasonable cause.

115. If any person lodges a caution with the Registrar without reasonable cause he shall be liable to make to any person who may have sustained damage by the lodging of such caution such compensation as may be just and such compensation shall be deemed to be a debt due to the person who has sustained damage from the person who lodged the caution.

Injunction.

Court of Chancery may issue order restraining disposition of land &c.

116. The Court of Chancery may without prejudice to the exercise of any other power of the Court upon the application of any person interested in any registered land made in such manner as the Court directs issue an order restraining for a time or until the occurrence of an event to be named in such order or generally until further order any statutory disposition of any land or charge.

Court of Chancery may annex terms &c. to such order.

117. The Court may make or refuse any such order and annex thereto any terms or conditions it may think fit and discharge such order when granted with or without costs and generally act in the premises in such manner as the justice of the case requires and the

Registrar

Registrar without being made a party to the proceedings upon being served with such order or an official copy thereof shall obey the same.

118. Nothing contained in this Act shall take away or affect the existing jurisdiction of Courts of Equity on the ground of actual fraud. Jurisdiction of Courts of Equity.

Compensation to persons injured by registration of lands.

119. When any person has been registered as first proprietor of land with a guarantee of title otherwise than under the direction of the Court of Chancery and it is proved thereafter that some other person is entitled to an interest in or charge upon such land in derogation of the estate conferred by this Act on such first proprietor such proof shall not affect or prejudice the estate so conferred but the claimant so entitled shall in manner and subject to the conditions hereinafter mentioned be compensated out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland for any loss he may have sustained by reason of the registration of such proprietor. Compensation out of Consolidated Fund to person registered as first proprietor.

120. Every application for the recovery of compensation out of the Consolidated Fund in cases where such compensation is hereby authorized to be given shall be made by petition to the High Court of Chancery and such petition shall be served on the Registrar who shall be the respondent to such petition in his official character and by his official name of "Registrar of Landed Estates" and for the purposes of such petition the Registrar shall be deemed to have purchased the land in respect of which or any matter connected with which the application is made for valuable consideration at the time when the land was registered without notice and shall be entitled to the same privileges in conducting the defence as if he were such purchaser and had taken a conveyance of the legal estate. Any order made by the Court of Chancery in pursuance of this section shall be subject to rehearing and appeal in the same manner as its ordinary decrees are subject. Application for recovery of compensation to be made by petition to High Court of Chancery.

121. The prayer of such petition shall not be granted if it is proved to the satisfaction of the Court that the petitioner had notice of the intended registration and might with reasonable diligence have submitted to the Registrar the fact of his being entitled and was not under one or more of the disabilities following that is to say infancy idiocy or lunacy. Petition not to be granted if petitioner had notice of registration.

122. Whenever upon the hearing of any such petition as aforesaid it appears to the Court of Chancery that the petitioner is entitled to compensation out of the Consolidated Fund the Court shall ascertain what amount of compensation is due in manner provided by the Lands Clauses Consolidation Act 1845 with respect to interests in land which have by mistake been omitted to be purchased and having ascertained the same shall certify the amount to the Commissioners of Her Majesty's Treasury and upon such certificate being given the amount therein mentioned shall within two months be paid out of the Consolidated Fund to the person who would if no registration had taken place have been entitled to the interest in respect of which the compensation is made. Amount of compensation to petitioner to be certified by Court to Commissioners of Her Majesty's Treasury.

123. The Registrar may with the consent of the Commissioners of Her Majesty's Treasury conclude a compromise with any person claiming compensation by any such petition as aforesaid and any sum of money agreed to be paid upon any such compromise shall be paid out of the Consolidated Fund. Registrar may conclude compromise with person claiming compensation.

Penalty on fraud &c.

124. Whenever any person has recovered compensation out of the Consolidated Fund in pursuance of this Act if the registration by reason of which such compensation became payable was caused either directly or indirectly by the deceit negligence or fraud of any person such person shall be deemed to be a debtor to the Crown for the amount of compensation so recovered and of the costs charges and expenses incurred in the recovery thereof and no person shall be relieved from liability to pay such amount as aforesaid by reason that the act or default in respect of which his liability arises constitutes a felony or other offence punishable criminally. Person recovering compensation by fraud &c. to be deemed a debtor to the Crown.

125. If in any proceeding to obtain the registration of any land or any land certificate or certificate of title or otherwise in any transaction relating to land which is or is proposed to be put upon the Registry any person acting either as principal or agent shall knowingly and with intent to deceive make or assist or join in or be privy to the making of any material false statement or representation or suppress conceal or assist or join in or be privy to the suppressing withholding or concealing from any Judge or the Registrar or any person employed by or assisting the Registrar any material document fact or matter of information every person so acting shall be guilty of a misdemeanor and on conviction shall be liable to be kept in penal servitude for a term not exceeding three years or to be imprisoned for a term not exceeding three years and either with or without hard labor or to be fined such sum as the Court by which he is evicted shall award. The act or thing done or obtained by means of such fraud or falsehood shall be null and void for or against all persons other than a purchaser for valuable consideration without notice. Person making false statement guilty of misdemeanor.

126. No proceeding or conviction for any act hereby declared to be a misdemeanor shall affect any remedy which any person aggrieved by such act may be entitled to either at Law or in Equity against the person who has committed such act. Proceeding &c. for any act declared a misdemeanor not to deprive person aggrieved of remedy.

127. Nothing in this Act contained shall entitle any person to refuse to make a complete discovery by answer to any bill in Equity or to answer any question or interrogatory in any civil proceeding in any Court of Law or Equity or in the Courts of Bankruptcy or Insolvency but no answer to any such bill question or interrogatory shall be admissible in evidence against such person in any criminal proceeding under this Act. Answers to bills questions &c. not admissible in evidence.

OFFICE OF LAND REGISTRY POWERS OF COURT OF CHANCERY AND MISCELLANEOUS.

- Establishment of Office of Land Registry.** 128. An office to be called the Office of Land Registry shall be established and the business of such office shall be conducted by a Registrar with the aid of such number of Assistant Registrars not exceeding three such Examiners of Title and such clerks messengers and servants as the Lord Chancellor may fix with the consent of the Commissioners of Her Majesty's Treasury.
- Appointment of Registrar.** 129. The Registrar shall be appointed by Her Majesty by Letters Patent He shall hold his office during good behaviour Upon any vacancy occurring in the office of Registrar Her Majesty may by Letters Patent appoint a person to fill such vacancy.
- Appointment of Assistant Registrars and Examiners of Title.** 130. The Assistant Registrars and Examiners of Title shall be appointed by the Lord Chancellor and may be removed by him for negligence want of skill untrustworthiness or inability to perform their duties and upon any vacancy occurring in the office of any Assistant Registrar or Examiner of Title the Lord Chancellor may appoint another person in his place All such clerks messengers and servants as aforesaid shall be appointed by the Registrar with the assent of the Lord Chancellor they shall hold their office during the pleasure of the Registrar and all such clerks messengers and servants and also the Assistant Registrars shall in the execution of their duties conform to such regulations as may be issued by the Registrar.
- Salaries of officers.** 131. There shall be paid out of moneys to be provided by Parliament—
To the Registrar a salary of two thousand five hundred pounds a year
To the Assistant Registrars clerks messengers and servants such salary as the Lord Chancellor with the consent of the Commissioners of the Treasury shall determine
All incidental expenses of carrying this Act into effect.
- Retiring pension of Registrar.** 132. Her Majesty may by Letters Patent under the Great Seal of the United Kingdom grant to any Registrar after a service of fifteen years or in event of his being disabled by permanent infirmity from the performance of the duties of his office a pension by way of annuity not exceeding two-thirds of his salary to continue during his life.
- Superannuation of officers other than Registrar.** 133. The Lord Chancellor may order to be paid to any officer or person employed in the Registry Office other than the Registrar who is disabled by permanent infirmity from the performance of the duties of his office or has served in the Registry Office for twenty years and is desirous of resigning such superannuation allowance as the Commissioners of Her Majesty's Treasury may award.

GENERAL PROVISIONS.

- No change in registered description of land without Order.** 134. No change shall be made in the registered description of land (save on the transfer of part thereof) without the Order of a Judge of the Court of Chancery.
- On transfer of registered land Registrar to be satisfied as to payment of stamp duties. As to loss of land certificate.** 135. No registered land shall be transferred to another proprietor until the Registrar is satisfied that all such stamp duties as would be payable on such transfer if the land were unregistered have been paid.
- Granting of new certificates.** 136. If any land certificate is lost mislaid or destroyed the Registrar may upon being satisfied of the fact of such loss mislaying or destruction grant a new land certificate in the place of the former one.
- Lord Chancellor to make Rules and Orders for carrying into effect purposes of Act.** 137. The Registrar may upon the delivery up to him of a land certificate grant a new certificate in the place of the one delivered up.
138. The Lord Chancellor with the advice and assistance of any two of the Judges of the Court of Chancery shall from time to time make such General Rules and Orders as he may see fit for carrying the purposes of this Act in relation to applications to the Court into effect and for regulating the times and form and mode of procedure and generally the practice of the Court in respect of the matters of this Act and such Rules and Orders may from time to time be rescinded or altered by the like authority and all such Rules and Orders shall take effect as General Orders of the Court.
- As to assignment of duties and appointment of additional clerks.** 139. The Lord Chancellor may from time to time assign the duties vested in the Court of Chancery in relation to the matters of this Act to any particular Judge or Judges of that Court and may appoint such new or additional clerk or clerks as to him may seem necessary for enabling such Judge or Judges duly to execute such duties and every such additional clerk shall receive out of the Suitors' Fee Fund such salary as the Lord Chancellor may think proper.
- Applications to Registrar to be made by solicitor.** 140. All applications to the Registrar in respect of any entry or alteration to be made in the Register or in respect of the registration of any instrument on the Register of Assurances shall be made by a Solicitor of the Court of Chancery and the Registrar shall with the sanction of the Lord Chancellor frame and cause to be printed and promulgated as he sees occasion forms of applications and directions indicating the particulars of the information to be furnished when any application is made to him under this Act and also forms of instruments and such other forms and directions as he may deem requisite or expedient for facilitating proceedings under this Act.
- Seal of Land Registry Office.** 141. A seal shall be prepared for the Land Registry Office and any instrument purporting to be sealed with such seal shall be admissible in evidence.
- Addresses of proprietors to be registered.** 142. A place of address shall be given to the Registrar for every person in England whose name is entered on the Register of Title as proprietor of land of a charge or as cautioner or as entitled to receive any notice or in any other character.
- Registrar may frame General Orders.** 143. The Registrar shall with the sanction and under the direction of the Lord Chancellor from time to time frame General Orders for regulating the manner of registering land the examination of titles the transfer transmission and withdrawal of official notes and cautions the keeping the Registers of Title and Assurances and generally for the due execution of the provisions of this Act and for giving effect to the objects thereof.

144. Any General Orders so made by the Registrar with such sanction as aforesaid shall be of the same force as if enacted by Parliament. They may from time to time be rescinded added to amended or altered in like manner.

Such Orders to have effect as Act of Parliament.

145. All General Orders made in manner aforesaid shall be laid before Parliament forthwith if Parliament is sitting or if not within fourteen days after the next sitting of Parliament.

Orders to be laid before Parliament.

Fees.

146. The Registrar shall with the sanction of the Lord Chancellor determine the amount of payments to be made with respect to the following matters—

Registrar to determine amount of fees.

The first entry on the Register of Title of land and charges on land.

The registration of transfers and transmissions of land and charges and all other matters to be done by the Registrar.

The registration of instruments on the Register of Assurances and the withdrawal of such instruments.

And the Registrar may with the like sanction from time to time alter any amounts so determined but all payments mentioned in this section shall be paid into the receipt of Her Majesty's Exchequer and carried to the account of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

147. In determining the amount of fees payable in respect of entries on the Register of Title under this Act regard shall be had to the following matters—

Matters to be considered in determining amount of fees.

(1.) In the case of the registration of land or of any transfer of land on the occasion of a sale to the value of the land as determined by the amount of purchase money.

(2.) In the case of the registration of land or of any transfer of land not upon a sale to the value of the land to be ascertained in such manner as may be directed by General Order.

(3.) In the case of registration of a charge or of any transfer of a charge to the amount of such charge.

Subject nevertheless to the qualifications following—

A maximum amount shall be fixed and in cases where the value of any land or the amount of any charge exceeds such maximum fees may be made payable in respect of such excess on such a reduced scale as may be thought expedient.

Where increased labor is thrown on the Registrar by reason of the severance of the parcels of an estate the entry of a new description of parcels or of any other matter an increased sum may be charged.

148. The following rules shall be observed with respect to the collection of fees—

Collection of fees.

(1.) All fees payable in respect of registration shall be received by stamps denoting the amount of fees payable and not in money.

(2.) When any fee is payable in respect of a document a stamp denoting the amount of fee shall be affixed to such document.

(3.) The Commissioners of Inland Revenue shall provide everything that is necessary for the collection of the moneys hereby directed to be paid by stamps.

149. The several Acts for the time being in force relating to stamps under the care or management of the Commissioners of Inland Revenue shall apply to the stamps to be provided in pursuance of this Act and to any document on which such stamps may be impressed and to collecting and securing the sums of money denoted by stamps and to preventing detecting and punishing all frauds forgeries and other offences relating thereto as fully as if such provisions had been herein repeated and specially enacted with reference to the said last-mentioned stamps and sums of money respectively.

Stamp Acts applied to stamps under this Act.

150. The Lord Chancellor may from time to time fix a scale of costs to be paid to solicitors in respect of any service rendered by them in any matter relating to the registration of title or of assurances and he may from time to time alter any such scale when fixed subject to this qualification that any scale of costs so fixed shall be based as respects the register of title on an *ad valorem* principle.

Lord Chancellor may fix scale of costs.

151. Where registration is made on the application of parties who cannot make a valid charge on the fee simple the Court of Chancery may declare that the costs and expenses of registration may be raised by a mortgage of the fee simple and the same shall be charged accordingly.

Costs of registration may in certain cases be raised by mortgage.

Proceedings in Court of Chancery.

152. All applications to be made to the Court of Chancery under this Act may be made by summons in Chambers and any power by this Act given to the Court of Chancery may subject to any order by the Lord Chancellor as aforesaid be exercised by any Judge of the Court sitting in Chambers. Such Judge shall have the power of directing any matter before him to be argued in Court and of directing any bill to be filed or action to be brought that may be necessary: Any person aggrieved by an order made by a Judge of the Court of Chancery may appeal to the Court of Appeal in Chancery in such manner within such time and subject to such regulations and limitations as the Lord Chancellor may prescribe. And any order made by the Court of Appeal in Chancery on appeal shall be subject to reversal or modification by the House of Lords in like manner as decrees made by the Court of Chancery. Provided that such appeal is made within such time and subject to such regulations as the House of Lords may provide by any Standing Order.

Applications to Court of Chancery to be by summons.

(B.)

REAL PROPERTY (TITLE OF PURCHASERS) BILL.

(Presented by the Lord St. Leonards, 1862.)

ARRANGEMENT OF CLAUSES.

- Shortening time of limitation of action against purchaser without notice; sect. 1.
 When right to be deemed to have first accrued; 2.
 Proviso for disabilities; 3.
 Thirty years utmost allowance for disabilities; 4.
 No further time to be allowed for a succession of disabilities in different persons; 5.
 Remainderman &c. may maintain suit; 6.
 In cases of sale of fee simple by tenant for life purchase money to be dealt with by Court of Equity as money held in trust for others entitled; 7.
 Time of limitation allowed by 3 & 4 W. 4 c. 27 not to be enlarged; 8.
 Secs. 20 21 and 22 of 3 & 5 W. 4 c. 27 incorporated; 9.
 Same limitation for suits in Equity as for actions; 10.
 When time of limitation expired right to be extinguished; 11.
 Act not to extend to spiritual corporations sole nor to advowsons; 12.
 Interpretation of terms in preceding sections; 13.
 Abstract for forty years only; 14.

A BILL

INTITLED

An Act for further limitation of Actions and Suits relating to Real Property in support of the Title of Purchasers.

WHEREAS it is expedient to simplify the title to real estate in order to facilitate the transfer thereof upon sales: Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

Shortening time
of limitation of
action against
purchaser with-
out notice.

1. After the first day of June one thousand eight hundred and sixty-two no entry distress or action shall be made or brought against any *bonâ fide* purchaser for money consideration or any person claiming through him to recover any land or rent but within twenty years next after the actual conveyance of the land or rent to the purchaser and the payment by him of the purchase money. Provided that where any such purchaser at or before the execution of the conveyance to him or the payment of the purchase money had actual notice or had reason to believe that the estate or interest of the claimant existed or might become available this Act shall not afford such a purchaser or any person claiming through him any bar to the claim but his defence shall remain as it would have stood if this Act had not passed.

2.

2. In the construction of this Act the right to make an entry or distress or to bring an action to recover any land or rent shall be deemed to have first accrued at the time of the execution of the conveyance to a *bonâ fide* purchaser and payment by him of his purchase money (whichever of those acts shall last take place.)

When right to be deemed to have first accrued.

3. Provided also that if at the time when the right under this Act of any person to make an entry or distress or bring an action to recover any land or rent shall have first accrued such person shall have been under any of the disabilities hereinafter mentioned that is to say infancy coverture idiocy lunacy unsoundness of mind or absence beyond seas then such person or the person claiming through him may notwithstanding the period of twenty years hereinbefore limited shall have expired make an entry or distress or bring an action to recover such land or rent at any time within five years next after the time at which the person to whom such right shall have first accrued as aforesaid shall have ceased to be under any such disability or shall have died which shall have first happened.

Proviso for disabilities.

4. Provided nevertheless That no entry distress or action shall be made or brought by any person who at the time at which his right to make any entry or distress or to bring an action to recover any land or rent shall have first accrued shall be under any of the disabilities hereinbefore mentioned or by any person claiming through him but within thirty years next after the time at which such right shall have first accrued although the person under disability at such time may have remained under one or more of such disabilities during the whole of such thirty years or although the term of five years from the time at which he shall have ceased to be under any such disability or have died shall not have expired.

Thirty years utmost allowance for disabilities.

5. Provided also That when any person shall be under any of the disabilities hereinbefore mentioned at the time at which his right to make an entry or distress or to bring an action to recover any land or rent shall have first accrued and shall depart this life without having ceased to be under any such disability no time to make an entry or distress or to bring an action to recover such land or rent beyond the said period of twenty years next after the right of such person to make an entry or distress or to bring an action to recover such land or rent shall have first accrued or the said period of five years next after the time at which such person shall have died shall be allowed by reason of any disability of any other person.

No further time to be allowed for a succession of disabilities in different persons.

6. Where the estate or interest claimed or to which any person may become entitled is an estate or interest in reversion or remainder or other future estate or interest and the purchaser claiming under the conveyance to him shall claim to hold discharged therefrom the person claiming such estate or interest or any competent authority or person on behalf of any infant or of any person under any other of the disabilities hereinbefore mentioned or of any unborn issue may at any time during the said term of twenty years maintain a suit in Equity for establishing and securing such future estate or interest against the purchaser and all persons claiming through him and if the right shall be established to the satisfaction of the Court the estate or interest decreed or ordered by the Court shall take effect as and when it shall fall into possession but without prejudice to the right of the purchaser and all persons claiming through him to such estate or interest as the seller to him was entitled to convey to him.

Remainderman &c. may maintain suit.

7. Provided always that if any tenant for life or for any other limited interest which shall not enable him to convey to a purchaser the fee simple or the whole extent of interest which he sells shall sell and convey to a *bonâ fide* purchaser for a money consideration the fee simple or some lesser interest to which he is not really entitled and shall conceal from such purchaser the deed or instrument under or by which the estate sold is settled upon others whether in esse or unborn the purchase money received by such seller or by any other person by his direction shall be and be deemed trust money and shall be treated by a Court of Equity as nearly as may be as if the estate had been authorized to be sold under any such deed or instrument as aforesaid and the purchase money had been directed to be invested in another estate to be settled to the same uses but so nevertheless that no such seller so fraudulently concealing any such deed or settlement shall take any interest in such purchase money or in the estate to be purchased therewith prior to or before the uses trusts or limitations to take effect after the determination of the life estate or the other particular interest limited to him and the Court shall give directions to exclude him therefrom and if necessary to accumulate the dividends or interest of the purchase money until some person shall become entitled under the suppressed or concealed deed or instrument to an estate or interest expectant upon the estate or interest provided for or limited to the seller and which estate or interest of any such person will by force of this provision become an estate or interest in possession in consequence of the exclusion of the seller from any present interest therein Provided always that nothing herein contained shall exclude the seller from any right or interest to which he may be entitled in default of or after the determination of the previous estates or rights provided for other persons in esse or issue unborn Provided also that where the purchase money shall be secured as aforesaid in favour of any person or persons entitled under any such suppressed or concealed deed or instrument any such person or persons shall be and remain barred of any remedy to which he or they might otherwise be entitled against the purchaser of the property sold or any person claiming under him and if any such person shall have recovered in any such action or suit the estate sold before the purchase money shall be secured as aforesaid it shall be lawful for the Court to indemnify the purchaser or those claiming under him from the loss sustained by him or them out of the interest in the purchase money secured for the benefit of the person who shall have recovered or become entitled to the original estate itself by force of any such action or suit as aforesaid Provided always that any person in esse entitled to have the purchase money secured

In case of sale of fee simple by tenant for life purchase money to be dealt with by Court of Equity as money held in trust for others entitled.

secured as aforesaid may by himself or other competent authority or any fit person may on behalf of issue unborn file a bill in Equity to have the money secured and the rights declared according to the provisions hereinafter contained and the costs of all such proceedings shall be in the discretion of the Court. Provided also that nothing herein contained shall take away the right of any purchaser or of any person claiming under him to such relief as he otherwise would have been entitled against any seller or those claiming under him in consequence of any such deed or settlement as hereinbefore is referred to having been concealed or suppressed upon the sale to him.

Time of limitation allowed by 3 & 4 W. 4 c. 27 not to be enlarged.

8. Nothing in this Act contained shall in any case enlarge the time allowed for the making or bringing of an entry distress or action by the Act of the Session holden in the third and fourth years of the reign of King William the Fourth chapter twenty-seven intituled "*An Act for the Limitation of Actions and Suits relating to Real Property and for simplifying the Remedies for trying the Rights thereto.*"

Section 20 possession and reversion both barred Section 21 barring tenant in tail and remainderman--Section 22 possession against tenant in tail runs on against remainderman.

9. Sections 20 21 and 22 of the said Act shall be taken to be incorporated in this Act.

Part of 3 & 4 W. 4 c. 27 incorporated. Same limitation for suits in Equity as for actions.

10. No person claiming any land or rent in equity shall after the said first day of June one thousand eight hundred and fifty-eight bring any suit to recover the same against any *bona fide* purchaser for valuable consideration or any person claiming through him but within the period during which by virtue of the provisions hereinbefore contained he might have made an entry or distress or brought an action to recover the same respectively if he had been entitled at law to such estate interest or right in or to the same as he shall claim therein in equity.

When time of limitation expired right to be extinguished.

11. At the determination of the period limited by this Act to any person for making an entry or distress or bringing an action or suit the right and title of such person to the land or rent for the recovery whereof such entry distress action or suit respectively might have been made or brought within such period shall be extinguished.

Act not to extend to spiritual corporation sole nor to advowsons.

12. The preceding provisions of this Act shall not extend to the making or bringing of any entry distress action or suit by a spiritual or eleemosynary corporation sole nor to any action or suit to enforce a right to present to or bestow an ecclesiastical benefice as the patron thereof.

Interpretation of terms in preceding sections.

13. In the preceding sections of this Act the words "land" "rent" and "person" respectively shall be interpreted according to the interpretations provided for the same words respectively in the said Act of King William the Fourth and the person through whom another person is said to claim shall mean such person as is in that behalf described in section one of the said Act and the expression "beyond seas" shall have the same meaning as is given to it in section nineteen of the said Act.

Abstract for 40 years only.

14. No seller of land who shall have been in possession under a purchase made by him or some person through whom he derives title for twenty years or upwards before his contract for sale shall be bound to produce a title with a root extending beyond forty years unless required to do so by the contract for sale or unless the Court shall be of opinion that there is reason to suppose that some settlement or will prior to that period may have been executed which might prejudicially affect the purchaser's title but this provision shall not extend to relieve a vendor of a leasehold interest from furnishing an abstract of the instrument of demise in any case where he would have been bound to do so if this enactment had not been made.

(C.)

LAW OF PROPERTY AMENDMENT BILL.

(Presented by the Lord St. Leonards, 1862.)

ARRANGEMENT OF CLAUSES.

- Purchaser or mortgagee not bound by implied or constructive notice charge unless &c.; sec. 1.
- On the issue of sequestrations under 24 & 25 Vict. c. 134. prior sequestrations to cease. Creditors to receive rateable proportions of their debts. Sequestered benefice discharged of leases; 2.
- Saving for sequestrations under 17 Geo. 3. c. 53. 1 & 2 Vict. c. 106. &c.; 3.
- Sect. 8 of 2 & 3 W. 4. c. 71. and sec. 4 of 23 and 24 Vic. c. 38. amended; 4.
- Judgments registered in Common Pleas to operate only in localities where Registries of Assurance are established. Not to extend to Courts in Lancaster and Cornwall; 5.
- 24 & 25 Vict. c. 38. amended as to registry of writ of execution &c. to bind purchaser or mortgagee; 6.
- "Lis pendens" to be entered in a separate Register to be open for inspection &c.; 7.
- Sec. 213 of 24 & 25 Vict. c. 38. amended as to registration of orders for costs; 8.

A BILL

INTITLED

An Act to further amend the Law of Property.

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows—

1. No purchaser for valuable consideration or mortgagee shall be bound by any implied or constructive notice of any charge or of any other act matter or thing affecting the title to the property purchased or taken in mortgage unless the Court shall be of opinion that the conduct of such purchaser or mortgagee amounted to fraud or to such wilful neglect as amounted to fraud. Purchaser or mortgagee not bound by implied or constructive notice of charge unless &c.
2. After the issuing of any sequestration under the authority of an Act passed in the twenty-fourth and twenty-fifth years of the reign of Her Majesty chapter one hundred and thirty-four of the profits of the benefice of any beneficed clergyman becoming a bankrupt every previous sequestration against the same bankrupt shall cease to operate and the creditor or creditors entitled to the benefit of such previous sequestrations as aforesaid shall receive under the sequestration issued under the said Act no more than a rateable proportion of his or their debt in common with the other creditors and immediately after the issuing of any sequestration under the said Act the sequestrator shall hold the benefit of the living wholly discharged of any lease which the bankrupt may have granted or attempted to grant of his title rentcharge. On the issue of sequestrations under 24 and 25 Vict. c. 134 prior sequestrations to cease. Creditors to receive rateable proportions of their debts. Sequestered benefice discharged of leases
3. Nothing in this Act shall affect any sequestration issued or to be issued under the Act of the seventeenth year of King George the Third (chapter fifty-three) "to promote the residence of the parochial clergy by making provision for the more speedy and effectual building rebuilding repairing or purchasing houses and other necessary buildings and tenements for the use of their benefices" or under the Act of the Session of the first and second years of Her Majesty (chapter one hundred and six) "to abridge the holding of benefices in plurality and to make better provision for the residence of the clergy" or under any enactment now in force for extending or amending either of those Acts. Saving for sequestrations under 17 G. 3 c. 53 1 and 2 " Vict. c. 106 &c

Sect. 8 of 2 and
3 W. 4 c. 71
amended.

Sect. 4 of 23 and
24 Vict. c. 38
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to bind pur-
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mortgagee.

"Lis pendens"
to be entered
in a separate
register to be
open for inspec-
tion &c.

Sect. 213 of 24
and 25 Vict. c. 38
amended as to
registration of
orders for costs.

4. Where in an Act passed in the second and third years of the reign of His late Majesty King William the Fourth chapter seventy-one section eight the word "convenient" is introduced by a misprint or clerical error the clause shall be read as if in lieu of that word the proper word "easement" had been introduced into the said Act and where in an Act passed in the twenty-third and twenty-fourth years of the reign of Her Majesty chapter thirty-eight section four by a like clerical error or misprint the word "executors" is introduced before the words "testators or intestates estates" the clause shall be read as if in lieu of the word "executors" the proper word "ancestors" had been introduced into the same Act.

5. Where a judgment is registered in the Court of Common Pleas it shall operate over lands within the localities where Registries of Assurance have been established by Act of Parliament without being also registered in such local Registries in like manner as it will operate over all other lands but no such judgment shall bind purchasers or mortgagees further or otherwise than they would be bound if the land were not within any such locality but this section is not to extend to the Registries in the several Courts of the Duchies of Lancaster and Cornwall.

6. Where by an Act passed in the twenty-fourth and twenty-fifth years of the reign of Her Majesty chapter thirty-eight the registry thereby required of any writ of execution or other due process of any judgment statute or recognizance in order to bind a purchaser or mortgagee is directed (amongst other things) to be by entry in a book of the name of the person in whose behalf the judgment statute or recognizance upon which the writ of execution or other process issued was registered from and after the passing of this Act every such entry shall be made not in the name of the creditor but in the name of the person against whom such writ of execution or other due process shall have issued and the Registrar shall make new registries of writs of execution or other due process already registered to correspond with those hereafter to be entered and which shall have the same operation as if they had been so entered on the registry in the first instance and the Registrar shall upon the entry on the registry of every writ of execution or other due process of any judgment statute or recognizance enter on the register of the judgment statute or recognizance a memorandum of a writ of execution or other due process having issued and the date when it was registered.

7. The Registrar of Judgments in the said Court of Common Pleas shall hereafter enter "Lis pendens" in a separate register which shall be deemed one of the books of the office to which access is to be had upon the payment of the single fee imposed for searches in the office and in like manner with the other books there.

8. Where by the said Act of the twenty-fourth and twenty-fifth years of Her Majesty section two hundred and thirteen in regard to the orders for costs therein referred to not affecting any lands tenements or hereditaments as to purchasers mortgagees or creditors unless and until it shall be registered and if necessary re-registered pursuant to the said Act of the twenty-third and twenty-fourth years of the reign of Her Majesty chapter thirty-eight the said section shall be read as if it had required such orders in order to bind as aforesaid to be registered and if necessary to be re-registered pursuant to an Act of the eighteenth year of Her Majesty's reign chapter fifteen section ten and that every such order for costs should when registered be subject to the provisions of the said Act of the twenty-third and twenty-fourth years of the reign of Her Majesty.

(D.)

VICTORIA.



ANNO VICESIMO QUINTO

VICTORIÆ REGINÆ.

No. CXL.

An Act to simplify the Laws relating to the Transfer and Encumbrance of Freehold and other Interests in Land. [18th June, 1862.]

WHEREAS the inhabitants of this Colony are subjected to losses Preamble. heavy costs and much perplexity by reason that the laws relating to the transfer and encumbrance of freehold and other interests in land are complex cumbrous and unsuited to the requirements of the said inhabitants and it is expedient to amend the said laws Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Victoria in Parliament assembled and by the authority of the same as follows that is to say:—

Preliminary.

1. All laws statutes acts ordinances rules regulations and Repeal of previous Acts. practice whatsoever relating to freehold and other interests in land so far as inconsistent with the provisions of this Act are hereby repealed so far as regards their application to land under the provisions of this Act or the bringing of land under the operation of this Act.

2. This Act may be cited for all purposes as the "Real Property Short title. Act."

3. In the construction and for the purposes of this Act and in Interpretation of certain terms. all instruments purporting to be made or executed thereunder (if not inconsistent with the context and subject matter) the following terms shall have the respective meanings hereinafter assigned to them that is to say—

The word "land" shall mean extend to and include land messuages tenements and hereditaments corporeal and incorporeal of every kind and description or any estate or interest therein together with all paths passages ways watercourses liberties privileges easements plantations gardens mines minerals and quarries and all trees and timber thereon or thereunder lying or being unless the same are specially excepted.

"Grant" shall mean the Crown grant of any land.

187—d

"Proprietor"

- “Proprietor” shall mean any person seised or possessed of any freehold or other estate or interest in land at law or in equity in possession in futurity or expectancy.
- “Transfer” shall mean the passing of any estate or interest in land under this Act whether for valuable consideration or otherwise.
- “Transmission” shall mean the acquirements of title to or interest in land consequent on the death will intestacy bankruptcy insolvency or marriage of a proprietor.
- “Mortgage” shall mean any charge on land created merely for securing a debt.
- “Mortgagor” shall mean the proprietor of land or of any estate or interest in land pledged as security for a debt.
- “Mortgagee” shall mean the proprietor of a mortgage.
- “Encumbrance” shall mean any charge on land created for the purpose of securing the payment of an annuity or sum of money other than a debt.
- “Encumbrancer” shall mean the proprietor of any land or of any estate or interest in land charged with any annuity or sum of money other than a debt.
- “Encumbrancee” shall mean the proprietor of an encumbrance.
- “Lunatic” shall mean any person who shall have been found to be a lunatic upon inquiry by the Supreme Court or by any Judge thereof or upon a commission of inquiry issuing out of the Supreme Court in the nature of a writ *de lunatico inquirendo*.
- “Person of unsound mind” shall mean any person not an infant who not having been found to be a lunatic shall be incapable from infirmity of mind to manage his own affairs.
- “Consular Officer” shall include Consul General Consul and Vice Consul and any person for the time discharging the duties of Consul General Consul or Vice Consul.
- “Instrument” shall mean and include any grant certificate of title conveyance assurance deed map plan will probate or exemplification of will or any other document in writing relating to the transfer or other dealing with land or evidencing title thereto.
- “Person” shall include a female as well as a male and shall include a body corporate.
- “Sworn valuator” shall mean any person appointed by the Governor and Council to value land under this Act.
- The describing any person as a proprietor transferrer transferee mortgagor mortgagee encumbrancer encumbrancee lessor or lessee or as trustee or as seised of having or taking any estate or interest in any land shall be deemed to include the heirs executors administrators and assigns of such person.
- And generally unless the contrary shall appear from the context every word importing the singular number only shall extend to several persons or things and every word importing the plural number shall apply to one person or thing and every word importing the masculine gender only shall extend to a female and whenever a form in the Schedule hereto is directed to be used such direction shall apply equally to any form to the like effect signed by the Registrar General or stamped with his seal or which for the same purpose may be authorized in conformity with the provisions of this Act and any variation from such forms not being in matter of substance shall not affect their validity or regularity but they may be used with such alterations as the character of the parties or the circumstances of the case may render necessary.

PART I.—*Appointment Powers and Functions of Employés.*

4. The department of the Registrar General shall be the department authorized to carry into execution the provisions of this Act and of any Acts to amend or extend the provisions of this Act in force for the time being and the Registrar General and other officers and clerks of the said department at the time of this Act coming into operation shall perform all the duties of their respective offices under this Act.

Persons holding office under previous Acts to perform duties under this Act.

5. The Governor in Council may appoint to the said department such Assistant Registrar General and other officers and clerks as may be necessary for carrying out the provisions of this Act and may likewise appoint two or more persons being barristers or solicitors hereinafter referred to as "the solicitors" to advise and assist the Registrar General and Land Titles Commissioners in carrying out the said provisions.

Appointment of solicitors and other officers.

6. The Governor in Council may appoint three or more persons to be Commissioners for investigating and dealing with applications for bringing land under the provisions of this Act and for other purposes hereinafter appointed. The style of such Commissioners shall be "The Lands Titles Commissioners" *They shall be remunerated by fees specified in the Schedule hereunto marked P.* and at their meetings two shall form a quorum.

Appointment of Commissioners.

7. The Governor in Council may remove the Lands Titles Commissioners Registrar General or any other officer or clerk of the said department at pleasure and fill up any vacancy that may occur in any of the offices aforesaid.

Removal of officers.

8. Whenever by any law for the time being in force in the said Colony anything is appointed to be done by the Registrar General the same may be lawfully done by any Assistant Registrar General.

Functions of Assistant Registrar General.

9. It shall not be lawful for any person whilst holding the office of Lands Titles Commissioner or of solicitor under this Act to engage in private practice as a barrister attorney or solicitor or be in partnership with or employed by any barrister attorney or solicitor.

Commissioner or solicitor not to practice.

10. The oath following shall be taken before one of the Judges of the Supreme Court by the persons at present holding the offices of Registrar General or Assistant Registrar General respectively and by every Registrar General and by every Assistant Registrar General who may hereafter be appointed before entering upon the execution of his office under this Act—

Oaths of office.

I A. B. do solemnly swear that I will faithfully and to the best of my ability execute and perform the office and duties of Registrar General or Assistant Registrar General for the Colony of Victoria. So help me God.

11. The Registrar General may exercise the following powers that is to say—

Powers of Registrar.

(1.) He may require the proprietor or other person making application to have any land brought under the provisions of this Act or the proprietor or mortgagee or other person interested in any land under the provisions of this Act in respect of which any transfer lease mortgage encumbrance or other dealing or any release from any mortgage or encumbrance is about to be transacted or in respect of which any transmission is about to be registered or registration abstract granted under this Act to produce any grant certificate of title conveyance deed mortgage lease will or other instrument in his possession or within his control affecting such land or the title thereto.

To inspect documents.

(2.)

To summon and
examine witnesses.

(2.) He may summon any such proprietor mortgagee or other person as aforesaid to appear and give any explanation respecting such land or the instruments affecting the title thereto and if upon requisition in writing made by the Registrar General such proprietor mortgagee or other person refuses or neglects to produce any such instrument or to allow the same to be inspected or refuses or neglects to give any explanation which he is hereinbefore required to give or knowingly misleads or deceives any person hereinbefore authorized to demand any such explanation he shall for each such offence incur a penalty not exceeding *one hundred pounds* and the Registrar General if the instrument or information so withheld appears to him material shall not be bound to proceed with the bringing of such land under the provisions of this Act or with the registration of such transfer or other dealing or with the issuing of such registration abstract as the case may be.

To administer oaths.

(3.) He may administer oaths or may take a statutory declaration in lieu of administering an oath.

To correct errors.

(4.) He may upon such evidence as shall appear to him and the Lands Titles Commissioners sufficient in that behalf correct errors in certificates of title or in the Register Book or in entries made therein respectively and may supply entries omitted to be made under the provisions of this Act Provided always that in the correction of any such error he shall not erase or render illegible the original words and shall affix the date on which such correction was made or entry supplied with his initials and every certificate of title so corrected and every entry so corrected or supplied shall have the like validity and effect as if such error had not been made or such entry omitted except as regards any entry made in the Register Book prior to the actual time of correcting the error or supplying the omitted entry.

To enter caveats.

(5.) He may enter caveat on behalf of any person who shall be under the disability of infancy coverture lunacy unsoundness of mind or absence from the said Colony or on behalf of Her Majesty Her Heirs or Successors to prohibit the transfer or dealing with any land belonging or supposed to belong to any such persons as hereinbefore mentioned and also to prohibit the dealing with any land in any case in which it shall appear to him that an error has been made by misdescription of such land or otherwise in any certificate of title or other instrument or for the prevention of any fraud or improper dealing.

PART II.—*Procedure in bringing Land under the provisions of this Act.*

Land alienated in
fee from the Crown
after this Act to be
subject to the pro-
visions hereof.

12. All waste lands and all lands set apart for public purposes remaining unalienated from the Crown on the day on which this Act shall come into operation shall when alienated in fee be subject to the provisions of this Act The grants of such land shall be in duplicate and every such grant in addition to proper words of description shall contain a diagram of the land thereby granted on such scale as the Governor in Council may from time to time direct and shall be delivered to the Registrar General who shall register the same in manner hereinafter directed.

Lands granted prior
to the day on which
this Act comes into
operation may be
brought under the
operation of this
Act.

13. Land alienated from the Crown in fee prior to the day on which this Act shall come into operation (whether such land shall constitute the entire or only part of the land included in any grant) may be brought under the provisions of this Act in the following manner

manner that is to say The Registrar General shall receive applications in form A of the Schedule hereto or in words to the like effect for bringing land under the provisions of this Act if made by any of the following persons that is to say—

By any person (claiming to be the person) in whom fee simple is vested in possession either at law or in equity Provided that wherever trustees seised in fee simple have no express power to sell the land which they may seek to bring under the operation of this Act the person claiming to be beneficially entitled for the first life estate or other greater estate than a life estate in the said land shall consent in such application.

By any person claiming a life estate in possession not being a lease for a life or lives Provided that all persons claiming to be beneficially entitled in reversion or remainder shall join in such application.

Provided always that no such application shall be received from any person claiming to be entitled to an undivided share of any land unless the person who shall appear to be entitled to the other undivided shares of the said land shall join in such application with a view to bringing the entirety under the provisions of this Act nor from the mortgagor of any land unless the mortgagee shall consent in such application nor from the mortgagee of any land except in the exercise of a power of sale contained in the mortgage deed nor for any land in respect to which a judgment may be entered up unless the judgment creditor shall consent to such application nor from a married woman unless her husband shall consent in such application Provided also that the father or if the father be dead the mother or other guardian of any infant or the committee or guardian of any lunatic or person of unsound mind may make such application in the name of such infant lunatic or person of unsound mind.

Undivided shares and mortgaged lands may not be brought under Act except upon conditions.

14. Every such applicant shall when making his application surrender to the Registrar General all instruments in his possession or under his control constituting or in any way affecting his title and shall furnish a schedule of such instruments and also if required an abstract of his title and shall in his application state the nature of his estate or interest and of every estate or interest held therein by any other person whether at law or in equity in possession or in futurity or expectancy and whether the land be occupied or unoccupied and if occupied the name and description of the occupant and the nature of his occupancy and whether such occupancy be adverse or otherwise and shall state the names and addresses of the occupants and proprietors of all lands contiguous to the land in respect to which application is made so far as known to him and that the schedule so furnished includes all instruments of title to such land in his possession or under his control and shall make and subscribe a declaration to the truth of such statement and such applicant may if he think fit in his application require the Registrar General at the expense of such applicant to cause personal notice of his application to be served upon any person whose name and address shall for that purpose be therein stated.

Applicant to surrender instrument of title and to furnish abstract if required.

15. Upon the receipt of such application the Registrar General shall cause the title of the applicant to be examined and reported upon by the solicitors and shall thereafter refer the case to the Lands Titles Commissioners for their consideration and if it shall appear to such Commissioners that the applicant proprietor is the original grantee from the Crown of the land in respect to which application is made and that no sale mortgage or other encumbrance or transaction

Application how to be dealt with by the Lands Titles Commissioners.

When applicant is original grantee and no transactions have been registered.

transaction affecting the title of such land has at any time been registered in the said Colony and that such applicant has not required notice of his application to be served personally upon any person then in such case it shall be lawful for such Commissioners to direct the Registrar General to bring such land under the provisions of this Act forthwith by issuing to the applicant proprietor or to such person as he or the person applying in his behalf may by writing under his hand direct a certificate of title for the same as hereinafter described.

When applicant is not original grantee or any transactions have been registered.

16. If it shall appear to the satisfaction of the said Commissioners that the land in respect to which application has been made is held by the applicant for the estate or interest described in such application free from mortgage encumbrance or other beneficial interest affecting the title thereto or if any such mortgage encumbrance or interest remain unsatisfied that the parties interested therein are also parties to such application and that the applicant has not required notice of his application to be served personally on any person then and in any such case the said Commissioners shall direct the Registrar General to cause notice of such application to be advertised once in the *Government Gazette* and three times in at least one paper published in the City of Melbourne and shall further limit and appoint a time not less than one month nor more than twelve months from the date of the advertisement in the said *Gazette* upon or after the expiration of which the Registrar General shall unless he shall in the interval have received a caveat forbidding him so to do proceed to bring such land under the provisions of this Act.

When evidence of title is imperfect.

17. But if it shall appear to the satisfaction of the said Commissioners that any parties interested in any unsatisfied mortgage or encumbrance affecting the title to such land or beneficially interested therein otherwise than as lessees are not parties to such application or that the evidence of title set forth by the applicant is imperfect or that the applicant has required notice of his application to be served personally upon any person then and in such case it shall be lawful for such Commissioners to reject such application altogether or at their discretion to direct the Registrar General to cause notice of such application to be served in accordance with such requirement upon all persons who shall appear to them to have any interest in the land which is the subject of such application and to be advertised three times in at least one newspaper published in the City of Melbourne and in such newspapers published elsewhere as to such Commissioners may seem fit and to be published in the *Government Gazette* and in the *London Gazette* and in the official Gazettes of each of the Colonies of New South Wales South Australia Queensland Tasmania and New Zealand or in any one or more of such Gazettes and the said Commissioners shall specify the number of times and at what intervals such advertisements shall be published in each or any of such Gazettes and shall also limit and appoint a time not less than two months nor more than two years from the date of the first of such advertisements in the *Government Gazette* upon or after the expiration of which it shall be lawful for the Registrar General to bring such land under the provisions of this Act unless he shall in the interval have received a caveat forbidding him to do so.

Notice of application to be published.

18. The Registrar General shall under such direction as aforesaid or under any order of the Supreme Court cause notice to be published in such manner as by such direction or order may be prescribed that application had been made for bringing the land therein referred to under the provisions of this Act and shall also cause copy of such notice to be posted in a conspicuous place in his office and in such other places as he may deem necessary and shall forward by registered letter marked outside "Lands Titles Office" through the post office copy of such notice addressed to the persons if any whom the said Commissioners shall have directed to be served with such notice and

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to

to the persons if any stated in the declaration by the applicant proprietor to be in occupation of such land or to be occupiers or proprietors of land contiguous thereto so far as his knowledge of the addresses of such persons may enable him and in case such applicant shall have required any such notice to be personally served upon any person named in his application then and in such case the Registrar General shall cause copy of such notice to be so served upon such person.

19. If within the time limited in such direction or under any order of the Supreme Court any notice forwarded by registered letter as aforesaid shall not be returned to him by the Postmaster General and if within the time so limited he shall not have received a caveat as hereinafter described forbidding him so to do and in any case in which personal notice may be required as aforesaid if he shall have received proof to his satisfaction that such notice has been served the Registrar General shall pursuant to such direction of the Lands Titles Commissioners bring the land described in such application under the provisions of this Act by issuing to the applicant proprietor or to such person as he or the person applying in his behalf may by any writing under his hand direct a certificate of title for the same as hereinafter described.

Land brought under the Act.

20. The Registrar General whenever any letter containing any notice shall be returned to him by the Postmaster General shall refer the case to the Lands Titles Commissioners for their further direction and whenever he shall be made aware that any notice required by any applicant to be served personally has failed to be or cannot be so served he shall notify the same to such applicant who if he think fit may by writing under his hand withdraw such requirement and the Registrar General shall thereupon report the case to the Lands Titles Commissioners who in either such case may reject the application altogether or direct the Registrar General to bring the land therein described under the provisions of this Act forthwith or after such further interval notification or advertisement as they may deem fit.

On a return of notices or failure of personal service Registrar General to apply to Lands Titles Commissioners.

21. Any person having or claiming an interest in any land advertised as aforesaid or the attorney of any such person may within the time by any direction of the Lands Titles Commissioners for that purpose limited lodge a caveat with the Registrar General in form B of the Schedule hereto forbidding the bringing of such land under the provisions of this Act and every such caveat shall particularize the estate interest lien or charge claimed by the person lodging the same and the person lodging such caveat shall if required deliver a full and complete abstract of his title.

SO Parties interested may enter caveat.

22. The Registrar General upon receipt of any such caveat within the time limited as aforesaid shall notify the same to such applicant proprietor and shall suspend further action in the matter and the lands in respect of which such caveat may have been lodged shall not be brought under the provisions of this Act until such caveat shall have been withdrawn or shall have lapsed from any of the causes hereinafter provided or until a decision shall have been obtained from the Court having jurisdiction in the matter.

If caveat be received within time limited proceedings stayed.

23. After the expiration of three calendar months from the receipt thereof every such caveat shall be deemed to have lapsed unless the person by whom or on whose behalf the same was lodged shall within that time have taken proceedings in any Court of competent jurisdiction to establish his title to the estate interest lien or charge therein specified and shall have given written notice thereof to the Registrar General or shall have obtained from the Supreme Court an order or injunction restraining the Registrar General from bringing the land therein referred to under the provisions of this Act.

Caveats lapse unless proceedings taken within three months.

Applicant proprietor may withdraw his application.

24. Any applicant proprietor may withdraw his application at any time prior to the issuing of the certificate of title and the Registrar General shall in such case upon request in writing signed by such applicant proprietor return to him or to the person if any notified in such application as having a lien upon such instruments the abstract and all instruments of title deposited by such proprietor for the purpose of supporting his application.

Instruments of title if they include other property to be returned to applicant proprietor.

25. Upon issuing a certificate of title bringing land under the provisions of this Act the Registrar General shall stamp as cancelled every instrument of title surrendered by the proprietor when making his application. Provided that if any such instrument shall relate to or include any property whether personal or real other than the land included in such certificate of title then the Registrar General shall indorse thereon a memorandum cancelling the same in so far only as relates to the land included in such certificate of title and shall return such instrument to such proprietor otherwise he shall retain the same in his office and no person shall be entitled to the production of such instrument so stamped except upon the written order of the applicant proprietor or of some person claiming through or under him or upon the order of a Judge of the Supreme Court.

Certificate of title to issue in name of deceased applicant proprietor.

26. In case an applicant proprietor or the person to whom an applicant proprietor may have directed certificate of title to be issued shall die in the interval between the date of his application and the date appointed for the certificate of title to issue in accordance with the provisions hereinbefore contained the certificate of title shall be issued in the name of such applicant proprietor or in the name of the person to whom he may have directed it to be issued as the case may require and such land shall devolve in like manner as if the certificate of title had been issued prior to the death of such applicant proprietor or person so named by him.

Per centage in the pound to be levied for assurance of title.

27. Upon the first bringing of land under the provisions of this Act whether by the alienation thereof in fee from the Crown or consequent upon the application of the proprietor as hereinbefore provided and also upon the registration of the title to an estate of freehold in possession in land under the provisions of this Act derived through the will or intestacy of a previous proprietor or under any settlement there shall be paid to the Registrar General the sum specified in the Schedule hereto marked P and in the case of land brought under the provisions of this Act by alienation in fee from the Crown the price paid for such land shall be deemed and taken to be the value thereof for the purpose of levying such sum and in all other cases as aforesaid such value shall be ascertained by the oath or solemn affirmation of the applicant proprietor or person deriving such land by transmission. Provided always that if the Registrar General shall not be satisfied as to the correctness of the value so declared or sworn to it shall be lawful for him to require such applicant proprietor or person deriving such land to produce a certificate of such value under the hand of a sworn valuator which certificate shall be received as conclusive evidence of such value for the purpose aforesaid.

Assurance fund to be invested in Government securities.

28. All sums of money so received as aforesaid shall be paid to the Treasurer of the said Colony who shall from time to time invest such sums together with all interest and profits which may have accrued thereon in Victorian Government securities to constitute an Assurance Fund for the purposes hereinafter provided.

Reversion expectant on lease not to be extinguished.

29. The bringing of land under the provisions of this Act shall not be held to extinguish the reversion expectant on any lease and the person named in any certificate of title as seised of the land therein described shall be held in every Court of Law and Equity to be seised of the reversion expectant upon any lease that may be noted by memorial thereon and to have all powers rights and remedies to which a reversioner is by law entitled and shall be subject to all covenants and conditions therein expressed to be performed on the part of the lessor.

PART

PART III.—*Register Book—Mode of Registering and effect of Registration.*

30. The Registrar General shall keep a book to be called the "Register Book" and shall bind up therein the duplicates of all grants and of all certificates of title and each grant and certificate of title shall constitute a separate folium of such book and the Registrar General shall record thereon the particulars of all instruments dealings and other matters by this Act required to be registered or entered on the Register Book affecting the land included under each such grant or certificate of title distinct and apart.

Registrar General to keep Register Book.

31. The registered proprietor of an estate of freehold in possession in land under the provisions of this Act not being a lease for a life or lives shall be entitled to receive a certificate of title for the same which certificate of title shall be in duplicate in the form C of the Schedule hereto and shall set forth the nature of the estate of freehold in respect to which it is issued and the Registrar General shall note thereon in such manner as to preserve their priority the particulars of all unsatisfied mortgages or other encumbrances and of any dower lease or rent charge to which the land may be subject and if such certificate of title be issued to a minor or to a person otherwise under disabilities he shall state the age of such minor or the nature of the disability so far as known to him and shall cause one original of each certificate of title to be bound up in the Register Book and deliver the other to the proprietor entitled to the land described therein.

Certificate of title to be in duplicate and to be bound up in register.

If issued to person under disability such disability to be stated.

32. Every certificate of title duly authenticated under the hand and seal of the Registrar General shall be received in all Courts of Law and Equity as evidence of the particulars therein set forth and of their being entered in the Register Book and shall be conclusive evidence that the person named in such certificate of title or in any entry thereon as seised of or as taking estate or interest in the land therein described is seised or possessed of such land for the estate or interest therein specified and that the property comprised in such certificate of title has been duly brought under the provisions of this Act and no certificate of title shall be impeached or defeasible on the ground of want of notice or of insufficient notice of the application to bring the land therein described under the provisions of this Act or on account of any error omission or informality in such application or in the proceedings pursuant thereto by the Lands Titles Commissioners or by the Registrar General.

Certificate to be conclusive evidence of the title and that the land has been duly brought under the Act.

33. Every land grant and certificate of title shall be deemed and taken to be registered under the provisions and for the purposes of this Act so soon as the same shall have been marked by the Registrar General with the folium and volume as embodied in the Register Book and every memorandum of transfer or other instrument purporting to transfer or in any way to affect land under the provisions of this Act shall be deemed to be so registered so soon as a memorial thereof as hereinafter described shall have been entered in the Register Book upon the folium constituted by the existing grant or certificate of title of such land and the person named in any grant certificate of title or other instrument so registered as seised of or taking any estate or interest shall be deemed to be the registered proprietor thereof.

Grants and certificates of title registered when embodied in Register Book.

Instruments registered when memorial thereof has been entered in Register Book.

Definition of registered proprietor.

34. Except as in hereinafter otherwise provided every grant or other instrument presented for registration shall be in duplicate and shall be attested by a witness and shall be registered in the order of time in which the same is produced for that purpose and instruments registered in respect to or affecting the same estate or interest shall notwithstanding any express implied or constructive notice be entitled in priority the one over the other according to the date of registration

Instruments to be in duplicate.

Instruments entitled to priority according to date of registration.

And when registered to be deemed to be embodied in Register Book and to have the effect of a deed.

and not according to the date of each instrument itself and the Registrar General upon registration thereof shall file one original in his office and shall deliver the other to the person entitled thereto and so soon as registered every instrument drawn in any of the several forms provided in the Schedule hereto or in any form which for the same purpose may be authorized in conformity with the provisions of this Act shall for the purposes of this Act be deemed and taken to be embodied in the Register Book as part and parcel thereof and such instrument when so constructively embodied and stamped with the seal of the Registrar General shall have the effect of a deed duly executed by the parties signing the same.

General covenants to be implied in instruments.

35. In every instrument creating or transferring any estate or interest in land under the provisions of this Act there shall be implied the following covenant by the party creating or transferring such estate or interest that is to say That he will do such acts and execute such instruments as in accordance with the provisions of this Act may be necessary to give effect to all covenants conditions and purposes expressly set forth in such instrument or by this Act declared to be implied against such party in instruments of a like nature.

Memorial defined.

36. Every memorial entered in the Register Book shall state the nature of the instrument to which it relates the day and hour of the production of such instrument for registration the names of the parties thereto and shall refer by number or symbol to such instrument and shall be signed by the Registrar General.

Memorial to be recorded on duplicate grant or other instrument.

37. Whenever a memorial of any instrument has been entered in the Register Book the Registrar General shall except in the case of transfer or other dealing indorsed upon a memorandum of lease or of mortgage or of encumbrance as hereinafter provided record the like memorial on the duplicate grant certificate of title lease or other instrument evidencing title to the estate or interest intended to be dealt with or in any way affected unless the Registrar General shall as hereinafter provided dispense with the production of the same and the Registrar General shall indorse on every instrument so registered a certificate of the date and hour on which the said memorial was entered in the Register Book and shall authenticate each such certificate by signing his name and affixing his seal thereto and such certificate shall be received in all Courts of Law and Equity as conclusive evidence that such instrument has been duly registered.

Certificate of registration to be evidence.

Instruments not effectual until entry in Registry Book.

38. No instrument until registered in manner hereinbefore prescribed shall be effectual to pass any estate or interest in any land under the provisions of this Act or to render such land liable as security for the payment of money but upon the registration of any instrument in manner hereinbefore prescribed the estate or interest specified in such instrument shall pass or as the case may be the land shall become liable as security in manner and subject to the covenants conditions and contingencies set forth and specified in such instrument or by this Act declared to be implied in instruments of a like nature and should two or more instruments executed by the same proprietor and purporting to transfer or encumber the same estate or interest in any land be at the same time presented to the Registrar General for registration and indorsement he shall register and indorse that instrument under which the person claims property who shall present to him the grant or certificate of title of such land for that purpose.

Estate of registered proprietor paramount.

39. Notwithstanding the existence in any other person of any estate or interest whether derived by grant from the Crown or otherwise which but for this Act might be held to be paramount or to have priority the registered proprietor of land or of any estate or interest in land under the provisions of this Act shall except in case of fraud hold the same subject to such encumbrances liens estates or interests as may be notified on the folium of the Register Book constituted by the grant or certificate of title of such land but absolutely free from

all

all other encumbrances liens estates or interests whatsoever except the estate or interest of a proprietor claiming the same land under a prior certificate of title or under a prior grant registered under the provisions of this Act and except as regards the omission or misdescription of any right of way or other easement created in or existing upon any land and except so far as regards any portion of land that may by wrong description of parcels or of boundaries be included in the grant certificate of title lease or other instrument evidencing the title of such registered proprietor not being a purchaser or mortgagee thereof for value or deriving from or through a purchaser or mortgagee thereof for value.

40. The Registrar General shall not register any instrument purporting to transfer or otherwise to deal with or affect any estate or interest in land under the provisions of this Act except in the manner herein provided nor unless such instrument be in accordance with the provisions hereof.

Instruments not to be registered unless in accordance with prescribed forms.

PART IV.—*Dealings.*

41. When land under the provisions of this Act or any estate or interest in such land is intended to be transferred or any right of way or other easement is intended to be created or transferred the registered proprietor may execute a memorandum of transfer in form D of the Schedule hereto which memorandum shall for description of the land intended to be dealt with refer to the grant or certificate of title of such land or shall give such description as may be sufficient to identify the same and shall contain an accurate statement of the estate interest or easement intended to be transferred or created and a memorandum of all leases mortgages and other encumbrances to which the same may be subject.

Transfer.

42. Whenever any easement or any incorporeal right other than an annuity or rent charge in or over any land under the provisions of this Act is created for the purpose of being annexed to or used and enjoyed together with other land under the provisions of this Act the Registrar General shall enter a memorial of the instrument creating such easement or incorporeal right upon the folium of the Register Book constituted by the existing grant or certificate of title of such other land.

Easements and incorporeal rights to be registered.

43. If the memorandum of transfer purports to transfer an estate of freehold in possession in the whole or in part of the land mentioned in any grant or certificate of title the transferrer shall deliver up the grant or certificate of title of the said land and the Registrar General shall after registering the transfer enter on such grant or certificate of title a memorandum cancelling the same either wholly or partially according as the memorandum of transfer purports to transfer the whole or part only of the land mentioned in such grant or certificate of title and setting forth the particulars of the transfer.

If estate of freehold be transferred certificate of title to be delivered up and cancelled so far as regards the portion of land transferred.

44. The Registrar General upon cancelling any grant or certificate of title either wholly or partially pursuant to any such transfer shall make out to the transferee a certificate of title to the land mentioned in such memorandum of transfer and every such certificate of title shall refer to the original grant of such land and to the memorandum or other instrument of transfer and the Registrar General shall retain every such cancelled or partially cancelled grant or certificate of title and whenever required thereto by the proprietor of an unsold portion or balance of land included in any such partially cancelled grant or certificate of title or by a registered transferee of such portion or of any part thereof shall make out to such proprietor or transferee a certificate of title for such portion or for any part thereof of which he is the proprietor or transferee.

Fresh certificate to be issued to purchaser.

A certificate for the balance if any untransferred to be issued to proprietor when demanded or to a registered transferee thereof.

45. In every instrument transferring an estate or interest in land under the provisions of this Act subject to mortgage or incumbrance

Transferee of land subject to mortgage or encumbrance to indemnify transferrer.

brance there shall be implied the following covenant by the transferee that is to say that such transferee will pay the interest or annuity or rent charge secured by such mortgage or encumbrance after the rate and at the times specified in the instrument creating the same and will indemnify and keep harmless the transferrer from and against the principal sum secured by such instrument and from and against all liability in respect of any of the covenants therein contained or by this Act implied on the part of the transferrer.

Lands under the provisions of this Act—how leased.

46. When any land under the provisions of this Act is intended to be leased or demised for a life or lives or for any term of years exceeding three years the proprietor shall execute a memorandum of lease in form E of the Schedule hereto and every such instrument shall for description of the land intended to be dealt with refer to the grant or certificate of title of the land or shall give such other description as may be necessary to identify such land and a right for or covenant by the lessee to purchase the land therein described may be stipulated in such instrument and in case the lessee shall pay the purchase money stipulated and otherwise observe his covenants expressed and implied in such instrument the lessor shall be bound to execute a memorandum of transfer to such lessee of the said land and the fee-simple thereof and to perform all necessary acts by this Act prescribed for the purpose of transferring to a purchaser the said land and the fee-simple thereof. Provided always that no lease of mortgaged or encumbered land shall be valid and binding against the mortgagee or encumbrancee unless such mortgagee or encumbrancee shall have consented to such lease prior to the same being registered.

Lease may be surrendered by endorsement by lessee with concurrence of lessor.

47. Whenever any lease or demise which is required to be registered by the provisions of this Act is intended to be surrendered and the surrender thereof is effected otherwise than through the operation of a surrender in law or than under the provisions of any law at the time being in force in the said Colony relating to insolvent estates there shall be indorsed upon such lease or on the counterpart thereof the word "Surrendered" with the date of such surrender and such indorsement shall be signed by the lessee and by the lessor as evidence of the acceptance thereof and shall be attested by a witness and the Registrar General thereupon shall enter in the Register Book a memorandum recording the date of such surrender and shall likewise indorse upon the lease a memorandum recording the fact of such entry having been made in the Register Book and upon such entry having been so made in the Register Book the estate or interest of the lessee in such land shall revert in the lessor or in the person in whom having regard to intervening circumstances (if any) the said land would have vested if no such lease had ever been executed and production of such lease or counterpart bearing such indorsement and memorandum shall be sufficient evidence that such lease had been so surrendered. Provided that no lease subject to mortgage or encumbrance shall be so surrendered without the consent of the mortgagee or encumbrancee.

Covenants to be implied in every lease against the lessee.

48. In every memorandum of lease there shall be implied the following covenants against the lessee that is to say—

- (1.) That he will pay the rent thereby reserved at the times therein mentioned and all rates and taxes which may be payable in respect of the demised property during the continuance of the lease.
- (2.) That he will keep and yield up the demised property in good and tenantable repair accidents and damage from storm and tempest and reasonable wear and tear excepted.

Powers to be implied in lessor.

49. In every memorandum of lease there shall also be implied the following powers in the lessor that is to say—

- (1.) That he may by himself or his agents once in every year during the term at a reasonable time of the day enter upon the demised property and view the state of repair thereof and

and may serve upon the lessee or leave at his last or usual place of abode in this Colony or upon the demised property a notice in writing of any defect requiring him within a reasonable time to be therein prescribed to repair the same.

- (2.) That in case the rent or any part thereof shall be in arrear for the space of six calendar months or in case default shall be made in the fulfilment of any covenant whether expressed or implied in such lease on the part of the lessee and shall be continued for the space of six calendar months or in case the repairs required by such notice as aforesaid shall not have been completed within the time therein specified it shall be lawful for such lessor to re-enter upon and take possession of such demised premises.

50. In any such case the Registrar General upon proof to his satisfaction of re-entry and recovery of possession by a lessor by any proceeding in law shall note the same by entry in the Register Book and the estate of the lessee in such land shall thereupon determine but without releasing him from his liability in respect of the breach of any covenant in such lease expressed or implied and the Registrar General shall cancel such lease if delivered up to him for that purpose.

Registrar General to note particulars of re-entry in Register Book.

51. Whenever any land or estate or interest in land under the provisions of this Act is intended to be charged or made security in favour of any mortgagee the mortgagor shall execute a memorandum of mortgage in form F of the Schedule hereto and whenever any such land estate or interest is intended to be charged with or made security for the payment of an annuity rent charge or sum of money in favour of any encumbrancee the encumbrancer shall execute a memorandum of encumbrance in form G of the Schedule hereto and every such instrument shall contain an accurate statement of the estate or interest intended to be mortgaged or encumbered and shall for description of the land intended to be dealt with refer to the grant or certificate of title of the land in which such estate or interest is held or shall give such other description as may be necessary to identify such land together with a statement of all mortgages and other encumbrances affecting the same if any.

Lands under this Act how mortgaged or encumbered.

52. Mortgage and encumbrance under this Act shall have effect as security but shall not operate as a transfer of the land thereby charged and in case default be made in the payment of the principal sum interest annuity or rent charge or any part thereof thereby secured or in the observance of any covenant expressed in any memorandum of mortgage or of encumbrance registered under this Act or that is hereinafter declared to be implied in such instrument and such default be continued for the space of one calendar month or for such other period of time as may therein for that purpose be expressly limited the mortgagee or encumbrancee may give to the mortgagor or encumbrancer notice in writing to pay the money then due or owing on such memorandum of mortgage or of encumbrance or to observe the covenants therein expressed or implied as the case may be or may leave such notice on the mortgaged or encumbered land or at the usual or last known place of abode in the said Colony of the mortgagor or encumbrancer or other person claiming to be then entitled to the said land.

Mortgage or encumbrance not to operate as transfer. Procedure in case of default.

53. After such default in payment or in observance of covenants continuing for the further space of *one* calendar month from the date of such notice or for such other period as may in such instrument be for that purpose limited such mortgagee or encumbrancee is hereby authorized and empowered to sell the land so mortgaged or encumbered or any part thereof and all the estate and interest therein of the mortgagor or encumbrancer and either altogether or in lots by public auction or by private contract or both such modes of sale and subject to such conditions as he may think fit and to buy in and resell

Power to sell.

the

the same without being liable for any loss occasioned thereby and to make and execute all such instruments as shall be necessary for effecting the sale thereof all which sales contracts matters and things hereby authorized shall be as valid and effectual as if the mortgagor or encumbrancer had made done or executed the same and the receipt or receipts in writing of the mortgagee or encumbrancee shall be a sufficient discharge to the purchaser of such land estate or interest or of any portion thereof for so much of his purchase money as may be thereby expressed to be received and no such purchaser shall be answerable for the loss misapplication or non-application or be obliged to see to the application of the purchase money by him paid nor shall he be concerned to inquire as to the fact of any default or notice having been made or given as aforesaid and the purchase money to arise from the sale of any such land estate or interest shall be applied first in payment of the expenses occasioned by such sale secondly in payment of the moneys which may then be due or owing to the mortgagee or encumbrancee thirdly in payment of subsequent mortgages or encumbrances if any in the order of their priority and the surplus if any shall be paid to the mortgagor or encumbrancer as the case may be.

Appropriation of proceeds.

Registrar General to give effect to sale by mortgagee or encumbrancee.

54. Upon the registration of any memorandum or instrument of transfer executed by a mortgagee or encumbrancee for the purpose of such sale as aforesaid the estate or interest of the mortgagor or encumbrancer therein described as to be conveyed shall pass to and vest in the purchaser freed and discharged from all liability on account of such mortgage or encumbrance or of any mortgage or encumbrance registered subsequent thereto and if such memorandum of transfer purports to pass an estate of freehold in possession the purchaser shall be entitled to receive a certificate of title for the same.

In case of default mortgagee or encumbrancee may enter and take possession or may distrain.

55. The mortgagee or encumbrancee upon default in payment of the principal sum or any part thereof or of any interest annuity or rent charge secured by any mortgage or encumbrance may enter into possession of the mortgaged or encumbered land by receiving the rents and profits thereof or may distrain upon the occupier or tenant of the said land under the power to distrain hereinafter contained or may bring an action of ejectment to recover the said land either before or after entering into the receipt of the rents and profits thereof or making any distress as aforesaid and either before or after any sale of such land shall be effected under the power of sale given or implied in his memorandum of mortgage or of encumbrance in the same manner in which he might have brought such action if the principal sum or annuity were secured to him by a conveyance of the legal estate in the land so mortgaged or encumbered and any such registered mortgagee shall be entitled to foreclose the right of the mortgagor to redeem the said mortgaged or encumbered lands in manner hereinafter provided.

May bring action for ejectment or may foreclose right of redemption.

Mortgagee or encumbrancee may distrain on tenant or occupier for arrears not exceeding the amount of rent due by such tenant or occupier.

56. Besides his remedy against the mortgagor or encumbrancer every mortgagee or encumbrancee shall be entitled after the principal sum interest annuity or rent charge shall have become in arrear for twenty-one days and after seven days shall have elapsed from the date of application for the payment thereof to the occupier or tenant to enter upon the mortgaged or encumbered land and distrain and sell the goods and chattels of such occupier or tenant and to retain thereout the moneys which shall so be in arrear and all costs and expenses occasioned by such distress and sale Provided that no occupier or tenant occupying such land shall be liable to pay to any mortgagee or encumbrancee a greater sum than the amount of rent which at the time of making such distress may be then due from such lessee or tenant to the mortgagor or encumbrancer or to the person claiming the said land under the mortgagor or encumbrancer and any amount so paid shall be held to be *pro tanto* in satisfaction of such rent.

No lessee liable for greater sum than the amount of rent actually owing by him.

57. Any mortgagee or encumbrancee of leasehold land under the provisions of this Act or any person claiming the said land as a purchaser or otherwise from or under such mortgagee or encumbrancee after entering into possession of the said land or the rents and profits thereof shall during such possession and to the extent of any rents and profits which may be received by him become and be subject and liable to the lessor of the said land or the person for the time being entitled to the said lessor's estate or interest in the said land to the same extent as the lessee or tenant was subject to and liable for prior to such mortgagee encumbrancee or other person entering into possession of the said land or the rents and profits thereof.

Mortgagee or encumbrancee of leasehold entering into possession of rent and profits becomes liable to lessor.

58. Upon the production of any memorandum of mortgage or of encumbrance having thereon an indorsement signed by the mortgagee or encumbrancee and attested by a witness discharging the land estate or interest from the whole or part of the principal sum or annuity secured or discharging any part of the land comprised in such instrument from the whole of such principal sum or annuity the Registrar General shall make an entry in the Register Book noting that such mortgage or encumbrance is discharged wholly or partially or that part of the land is discharged as aforesaid as the case may require and upon such entry being so made the estate or interest or the portion of land mentioned or referred to in such indorsement as aforesaid shall cease to be subject to or liable for such principal sum or annuity or as the case may be for the part thereof noted in such entry as discharged.

Discharge of mortgages and encumbrances.

59. Upon proof of the death of the annuitant or of the occurrence of the event or circumstance upon which in accordance with the provisions of any memorandum of encumbrance the annuity or sum of money thereby secured shall cease to be payable and upon proof that all arrears of the said annuity and interest or money have been paid satisfied or discharged the Registrar General shall make an entry in the Register Book noting that such annuity or sum of money is satisfied and discharged and shall cancel such instrument and upon such entry being made the land estate or interest shall cease to be subject to or liable for such annuity or sum of money and the Registrar General shall in any or either such case as aforesaid indorse on the grant certificate of title or other instrument evidencing the title of the mortgagor or encumbrancer to the land estate or interest mortgaged or encumbered a memorandum of the date on which such entry as aforesaid was made by him in the Register Book whenever such grant certificate of title or other instrument shall be presented to him for that purpose.

Entry of satisfaction of annuity.

60. In case the registered mortgagee shall be absent from the said Colony and there be no person authorized to give a receipt to the mortgagor for the mortgage money at or after the date appointed for the redemption of any mortgage it shall be lawful for the Treasurer of the said Colony to receive such mortgage money with all arrears of interest then due thereon in trust for the mortgagee or other person entitled thereto and thereupon the interest upon such mortgage shall cease to run or accrue and the Registrar General shall upon the receipt of the said Treasurer for the amount of the said mortgage money and interest make an entry in the Register Book discharging such mortgage stating the day and hour on which such entry is made and such entry shall be a valid discharge for such mortgage and shall have the same force and effect as is hereinbefore given to a like entry when made upon production of the memorandum of mortgage with the receipt of the mortgagee and the Registrar General shall indorse on the grant certificate of title or other instrument as aforesaid and also on the memorandum of mortgage whenever those instruments shall be brought to him for that purpose the several particulars hereinbefore directed to be indorsed upon each of such instruments respectively.

Mortgage money may be paid to Treasurer if mortgagee be absent from the Colony and mortgage discharged.

Covenants to be implied in every memorandum of mortgage.

61. In every memorandum of mortgage there shall be implied against the mortgagor a covenant that he will repair and keep in repair all buildings or other improvements erected and made upon such land and that the mortgagee may at all convenient times until such mortgage be redeemed be at liberty with or without surveyors or others to enter into and upon such land to view and inspect the state of repair of such buildings or improvements.

Transfer of mortgage and of encumbrance and of lease.

62. A registered mortgage a registered lease or the interest of a registered encumbrance may be transferred to any person by memorandum of transfer as aforesaid or by an instrument in the form H of the Schedule hereto which instrument may be indorsed upon the memorandum of mortgage encumbrance or lease and upon such memorandum of transfer or other instrument being registered the estate or interest of the transferor as set forth in such instrument with all rights powers and privileges thereto belonging or appertaining shall pass to the transferee and such transferee shall thereupon become subject to and liable for all and every the same requirements and liabilities to which he would have been subject and liable if named in such instrument originally as mortgagee encumbrancee or lessee of such land estate or interest.

Transfer of mortgage or lease includes transfer of right to sue thereunder.

63. By virtue of every such transfer as is hereinbefore mentioned the right to sue upon any memorandum of mortgage or other instrument and to recover any debt sum of money annuity or damages thereunder (notwithstanding the same may be deemed or held to constitute a chose in action) and all interest in any such debt sum of money annuity or damages shall be transferred so as to vest the same at law as well as in equity in the transferee thereof Provided always that nothing herein contained shall prevent a Court of Equity from giving effect to any trusts affecting the said debt sum of money annuity or damages in case the transferee shall hold the same as a trustee for any other person.

Saving powers to Courts of Equity to give effect to trusts.

Abbreviated form of words for expressing covenants to be as effectual as if such covenants were set forth in words at length.

64. Such of the covenants hereinafter set forth as shall be expressed in any memorandum of lease or mortgage as to be implied shall if expressed in the form of words hereinafter appointed and prescribed for the case of each such covenant respectively be so implied as fully and effectually as if such covenants were set forth fully and in words at length in such instrument that is to say the words "will insure" shall imply as follows—that the lessee or mortgagor will insure and so long as the term expressed in the said mortgage or lease shall not have expired will keep insured in the name of such mortgagee or lessor in some public insurance office to be approved by such mortgagee or lessor against loss or damage by fire to the full amounts specified in such instrument or if no amount be specified then to their full value all buildings tenements or premises erected on such land which shall be of a nature or kind capable of being insured against loss or damage by fire and that the mortgagor or lessee will at the request of the mortgagee or lessor hand over to and deposit with him the policy of every such insurance and produce to him the receipt or receipts for the annual or other premiums payable on account thereof and also that all moneys to be received under or by virtue of any such insurance shall in the event of loss or damage by fire be laid out and expended in making good such loss or damage provided also that if default shall be made in the observance or performance of the covenant last above mentioned it shall be lawful for the mortgagee or lessor without prejudice nevertheless to and concurrently with the powers granted him by his memorandum of mortgage or lease or by this Act provided to insure such building and the costs and charges of such insurance shall until such mortgage be redeemed or such lease shall have expired be a charge upon the said land The words "paint outside every alternate year" shall imply as follows viz.—and also will in every alternate year during the currency

Insure.

Paint outside.

of

of such lease paint all the outside woodwork and ironwork belonging to the hereditaments and premises mentioned in such lease with two coats of proper oil-colours in a workmanlike manner The words "paint and paper inside every third year" shall imply as follows viz.—and will in every third year during the currency of such lease paint the inside wood iron and other works now or usually painted with two coats of proper oil-colours in a workmanlike manner and also re-paper with paper of a quality as at present such parts of the said premises as are now papered and also wash stop whiten or colour such parts of the said premises as are now whitened or coloured respectively The words "will fence" shall imply as follows viz.—and also will during the continuance of the said lease erect and put up on the boundaries of the land therein mentioned or upon such boundaries upon which no substantial fence now exists a good and substantial fence The word "cultivate" shall imply as follows viz.—and will at all times during the said lease cultivate use and manage all such parts of the land therein mentioned as are or shall be broken up or converted into tillage in a proper and husbandmanlike manner and will not impoverish or waste the same The words "that the lessee will not use the said premises as a shop" shall imply as follows viz.—and also that the said lessee will not convert use or occupy the said hereditaments and premises mentioned in such lease or any part thereof into or as a shop warehouse or other place for carrying on any trade or business whatsoever or permit or suffer the said hereditaments and premises or any part thereof to be used for any such purpose or otherwise than as a private dwelling-house without the consent in writing of the said lessor The words "will not carry on offensive trades" shall imply as follows— and also that no noxious noisome or offensive art trade business occupation or calling shall at any time during the said term be used exercised carried on permitted or suffered in or upon the said hereditaments and premises above mentioned and that no act matter or thing whatsoever shall at any time during the said term be done in or upon the said hereditaments and premises or any part thereof which shall or may be or grow to the annoyance nuisance grievance damage or disturbance of the occupiers or owners of the adjoining lands and hereditaments The words "will not without leave assign or sublet" shall imply as follows viz.—and also that the said lessee shall not nor will during the term of such lease assign transfer demise sublet or set over or otherwise by any act or deed procure the lands or premises therein mentioned or any of them or any part thereof to be assigned transferred demised sublet or set over unto any person whomsoever without the consent in writing of the said lessor first had and obtained The words "will not cut timber" shall imply as follows— and also that the said lessee shall not nor will cut down fell injure or destroy any growing or living timber or timber-like trees standing and being upon the said hereditaments and premises above mentioned without the consent in writing of the said lessor The words "will carry on the business of a publican and conduct the same in an orderly manner" shall imply as follows viz.—and also that the said lessee will at all times during the currency of such lease use exercise and carry on in and upon the premises therein mentioned the trade or business of a licensed victualler or publican and retailer of spirits wines ale beer and porter and keep open and use the messuage tenement or inn and buildings standing and being upon the said land as and for an inn or public-house for the reception accommodation and entertainment of travellers guests and other persons resorting thereto or frequenting the same and manage and conduct such trade or business in a quiet and orderly manner and will not do commit or permit or suffer to be done or committed any act matter or thing whatsoever whereby or by means whereof any license shall or may be forfeited or become void or liable to be taken away suppressed or suspended

Apply for renewal
of license.

suspended in any manner howsoever The words "will apply for renewal of license" shall imply as follows viz.—and also shall and will from time to time during the continuance of the said term at the proper times for that purpose apply for and endeavour to obtain at his own expense all such licenses as are or may be necessary for carrying on the said trade or business of a licensed victualler or publican in and upon the said hereditaments and premises and keeping the said messuage tenement or inn open as and for an inn or public-house as aforesaid The words "will facilitate the transfer of license" shall

Facilitate the
transfer of license.

imply as follows viz.—and also shall and will at the expiration or other sooner determination of the said lease sign and give such notice or notices and allow such notice or notices of a renewal or transfer of any license as may be required by law to be affixed to the said messuage tenement or inn to be thereto affixed and remain so affixed during such time or times as shall be necessary or expedient in that behalf and generally to do and perform all such further acts matters and things as shall be necessary to enable the said lessor or any other person authorized by him to obtain the renewal of any license or any new license or the transfer of any license then existing and in force.

No notice of trusts to
be entered in
Register Book.

65. The Registrar General shall not make any entry in the Register Book of any notice of trusts whether expressed implied or constructive but trusts may be declared by any instrument or deed which instrument or deed may include as well lands under the provisions of this Act as land which is not under the provisions thereof Provided that the description of the several parcels of land contained in such instrument or deed shall sufficiently distinguish the land which is under the provisions of this Act from the land which is not under the provisions thereof and a duplicate or an attested copy of such instrument may be deposited with the Registrar General for safe custody and reference but shall not be registered.

Instrument declaring
trusts to be deposited
but not registered.

Insertion of the words
"no survivorship" in
instrument of ap-
pointment of trustees
to operate to prevent
a less number of trus-
tees than those regis-
tered dealing with
the land without
order of Court.

66. Upon the transfer of any land estate or interest under the provisions of this Act to two or more persons as joint proprietors to be held by them as trustees it shall be lawful for the transferrer to insert in the memorandum of transfer or instruments the words "no survivorship" and the Registrar General shall in such case include such words in the memorial of such instrument to be entered by him in the Register Book as hereinbefore directed and shall also enter the said words upon any certificate of title issued to such joint proprietors pursuant to such memorandum of transfer And any two or more persons registered as joint proprietors of any land estate or interest under the provisions of this Act held by them as trustees may by writing under their hand authorize the Registrar General to enter the words "no survivorship" upon the grant certificate or title or other instrument evidencing their title to such estate or interest and also upon the duplicate of such instrument in the Register Book or files in his office and after such entry has been made and signed by the Registrar General in either such case as aforesaid it shall not be lawful for any less number of joint proprietors than the number then registered to transfer or otherwise deal with the said land estate or interest without obtaining the sanction of the Supreme Court or a Judge thereof by an order motion or petition.

Notice to be pub-
lished before effect is
given to order.

67. Before making any such order as aforesaid the Court or Judge shall if it seem requisite cause notice of intention so to do to be advertised once in the *Government Gazette* and three times in at least one newspaper published in the City of Melbourne and shall appoint a period of time within which it shall be lawful for any person interested to shew cause why such order should not be issued and thereupon it shall be lawful for the said Court or Judge in such order to give directions for the transfer of such land estate or interest to any new proprietor or proprietors solely or jointly with or in the place of any of the existing proprietor or proprietors or to make such order in

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the premises as the Court thinks just for the protection of the persons beneficially interested in such land estate or interest or in the proceeds thereof and upon such order being deposited with the Registrar General he shall make such entries and perform such acts as in accordance with the provisions of this Act may be necessary for the purpose of giving effect to such order.

68. The registered proprietor of any land estate or interest under the provisions of this Act may authorize and appoint any person to act for him or on his behalf in respect to the transfer or other dealing with such land estate or interest in accordance with the provisions of this Act by executing a power in any form heretofore in use for the like purpose or in form I of the Schedule hereto and such power of attorney shall be filed in the Registrar General's Office in accordance with the provisions of the Act of the Parliament of Victoria numbered XXVIII and the Registrar General shall enter in the Register Book a memorandum of the particulars therein contained and the date and hour when it was so filed.

69. The Registrar General upon the application of any registered proprietor of land under the provisions of this Act shall grant to such proprietor a registration abstract in the form K of the Schedule hereto enabling him to transfer or otherwise deal with his estate or interest in such land at any place without the limits of the said Colony and shall at the same time enter in the Register Book a memorandum recording the issue of such registration abstract and shall indorse on the grant certificate of title or other instrument evidencing the title of such applicant proprietor a like memorandum and from and after the issuing of any such registration abstract no transfer or other dealing in any way affecting the estate or interest in respect of which such registration abstract is issued shall be entered in the Register Book until such abstract shall have been surrendered to the Registrar General to be cancelled or the loss or destruction of such abstract proven to his satisfaction.

70. Whenever any transfer or other dealing is intended to be transacted under any such registration abstract a memorandum of transfer or such other instrument as the case may require shall be prepared in duplicate in form hereinbefore appointed and shall be produced to some one of the persons hereinafter appointed as persons before whom the execution of instruments without the limits of the said Colony may be proven and upon memorial of such instrument being entered upon the registration abstract and authenticated by the signature of such authorized person as aforesaid in manner hereinbefore directed for the entry of memorials in the Register Book such instrument shall be held to be registered and such transfer or other dealing shall be as valid and binding to all intents as if the same had been entered in the Register Book by the Registrar General and whenever a memorial of any instrument which has not been indorsed upon the instrument evidencing title to the estate or interest intended to be dealt with has been entered upon the registration abstract such authorized person as aforesaid shall record the like memorial on the duplicate grant certificate of title lease or other instrument evidencing title as aforesaid and the certificate of registration indorsed on the instrument of which the memorial has been so entered and signed by such authorized person and sealed with his seal shall be received in all Courts of Law or Equity as conclusive evidence that such instrument has been duly registered.

71. Upon the delivery of any registration abstract to the Registrar General he shall record in the Register Book in such manner as to preserve their priority the particulars of every transfer or other dealing recorded thereon and shall file in his office the duplicates of every memorandum of transfer or other instrument executed thereunder which may for that purpose be delivered to him and shall cancel such

Powers of Attorney.

Registration abstract for registering dealings without the limits of the Colony.

Mode of procedure under registration abstract.

Proceeding upon delivery of registration abstract to the Registrar General.

such abstract and note the fact of such cancellation in the Register Book and if a freehold estate in such land or in any part thereof be transferred the grant or certificate of title shall be delivered up to the Registrar General who shall thereupon proceed as is hereinbefore directed for the case of the transfer of an estate of freehold.

Procedure when registration abstract is lost.

72. Upon proof at any time to the satisfaction of the Registrar General that any registration abstract is lost or so obliterated as to be useless and that the powers thereby given have never been exercised or if they have been exercised then upon proof of the several matters and things that have been done thereunder it shall be lawful for the Registrar General as circumstances may require either to issue a new registration abstract as the case may be or to make such entries in the Register Book or do such acts as might have been made or done if no such loss or obliteration had taken place.

Revocation of power of attorney.

73. The registered proprietor of any land in respect of which a power of attorney has been executed may for the purpose of revoking such power execute an instrument in the form L of the Schedule hereto or in any form heretofore in use for the like purpose and the Registrar General shall except in any case where a registration abstract is outstanding enter the particulars thereof in the Register Book and record thereon the date and hour in which such entry was made and shall file the same in manner hereinbefore prescribed for powers of attorney and after the date of such entry the Registrar General shall not give effect to any memorandum of transfer or other instrument executed pursuant to such power of attorney.

PART 5.—*Transmissions.*

Transmission by bankruptcy or insolvency.

74. Upon the bankruptcy or insolvency of the registered proprietor of any land estate or interest under the provisions of this Act the assignees of such bankrupt or insolvent shall be entitled to be registered as proprietors in respect of the same and the Registrar General upon the receipt of an office copy of the appointment of such assignees accompanied by an application in writing under their hand to be so registered in respect to any land estate or interest of such bankrupt or insolvent therein specified and described shall enter in the Register Book upon the folium constituted by the grant or certificate of title of such land a memorandum notifying the appointment of such assignees and upon such entry being made such assignees shall be deemed and taken to be registered proprietors of the estate or interest of such bankrupt or insolvent in such land and shall hold the same subject to the equities upon and subject to which the bankrupt or insolvent held the same but for the purpose of any dealings with such land estate or interest under the provisions of this Act such assignees shall be deemed to be absolute proprietors thereof.

Upon entry of appointment assignees to be deemed registered proprietors.

But to hold subject to equities.

Mortgagee of the leasehold interest of an insolvent lessee may apply to be entered as transferee of the lease.

75. Upon the bankruptcy or insolvency of the registered proprietor of any lease subject to mortgage under the provisions of this Act the Registrar General upon the application in writing of the mortgagee accompanied by a statement in writing signed by the assignees of such bankrupt or insolvent certifying their refusal to accept such lease shall enter in the Register Book the particulars of such refusal and such entry shall operate as a foreclosure and the interest of the insolvent in such lease shall thereupon vest in such mortgagee and if such mortgagee shall neglect or decline to make such application as aforesaid the Registrar General upon application by the lessor and proof of such neglect or refusal and of the matters aforesaid shall enter in the Register Book notice of the refusal of such assignee to accept such lease and such entry shall operate as a surrender of such lease.

Marriage of female proprietor to be certified to the Registrar General.

76. The Registrar General upon the production of the register or other sufficient proof of the marriage of a female registered proprietor of any land estate or interest under the provisions of this Act accompanied

accompanied by a statement in writing signed by such female proprietor to that effect shall enter on the Register Book and also upon the certificate of title or other instrument evidencing the title of such female proprietor when produced to him for that purpose the name and description of her husband the date of the marriage and where solemnized the day and hour of the production to him of the register or other sufficient evidence of such marriage and the husband of such female proprietor shall unless such land be held for her separate use be entitled to be registered as co-proprietor of such land in right of his wife and the Registrar General upon application to that effect and surrender of the existing certificate of title shall comply with such application.

Particulars to be entered in Register Book and on the instrument evidencing title.

77. Whenever any mortgage encumbrance or lease affecting land under the provisions of this Act shall be transmitted in consequence of the will or intestacy of the registered proprietor thereof probate or an office copy of the will of the deceased proprietor or letters of administration or the order of the Supreme Court authorizing the curator of the estates of deceased persons to administer the personal estate of the deceased proprietor of such estate or interest as the case may be accompanied by an application in writing from the executor administrator or curator claiming to be registered as proprietor in respect of such estate or interest shall be produced to the Registrar General who shall thereupon enter in the Register Book and on the lease or other instrument evidencing title to the estate or interest transmitted the date of the will and of the probate or of the letters of administration or order of the Supreme Court as aforesaid the date and hour of the production of the same to him the date of the death of such proprietor when the same can be ascertained with such other particulars as he may deem necessary and upon such entry being made the executors or administrators or the curator of the estates of deceased persons as the case may be shall be deemed to be registered proprietors or proprietor of such mortgage encumbrance or lease and the Registrar General shall note the fact of such registration by memorandum under his hand on the letters of administration probate or other instrument as aforesaid.

Transmission of personal estate of deceased proprietor.

Will or probate or letters of administration or order of Court to be produced.

78. The heir-at-law devisee tenant by the courtesy or other person claiming any estate of freehold in the land of a deceased proprietor may make application in writing to the Registrar General to be registered as proprietor of such estate and shall deposit with him the certificate of the death the will or an office copy or probate of the will of the deceased proprietor or any settlement under which such applicant claims or in the case of intestacy such evidence of heirship as he may be enabled to produce and such application shall state the nature of every estate or interest held by other persons at law or equity in such land within the applicant's knowledge and that he verily believes himself to be entitled to the estate in such land in respect to which he applies to be registered and the statements made in such application shall be verified by the oath or statutory declaration of such applicant Provided always that the heir-at-law devisee or other person making such application shall surrender the existing grant or certificate of title of the land in respect to which he claims to be registered as proprietor prior to his being entered in the Register Book as hereinafter mentioned.

Heir-at-law or devisee may apply to Registrar General to be registered as proprietor.

79. The Registrar General shall refer such application to the solicitors for examination and report and thereafter shall submit the same for the consideration of the Lands Titles Commissioners who may either reject such application altogether or direct the Registrar General to cause notice thereof to be published once in the *Government Gazette* and three times in at least one newspaper published in the City of Melbourne and to give such further publicity to such application as they may direct whether by advertisement or the serving or

Application to be referred to Lands Titles Commissioners.

Notice thereof to be published in *Gazette*.

Upon the expiration of the time limited by Commissioners applicant to be entered in Register Book.

But to hold subject to the trusts to which the land is liable by law.

or posting of notices and shall limit and appoint a time not less than one month from the date of the advertisement in such *Gazette* upon or after which the Registrar General may unless he shall in the interval have received a caveat forbidding him so to do register such applicant as proprietor of such land by entering in the Register Book the particulars of the transmission through which such applicant claims and by issuing to such applicant a certificate of title for the land so transmitted and the Lands Titles Commissioners may direct any caveat to be entered by the Registrar General for the protection of the interests of such other persons (if any) as may be interested in such land. Provided always that the person registered consequent on such direction of the Lands Titles Commissioners or any executor or administrator or the Curator of Intestate Estates when registered in respect of any mortgage encumbrance or lease shall hold such land estate or interest in trust for the persons and purposes to which it is applicable by law but for the purposes of any dealing with such land estate or interest under the provisions of this Act he shall be deemed to be absolute proprietor thereof.

PART VI.—*General Provisions.*

Caveat may be lodged.

80. Any settlor of land under the provisions of this Act transferring such land to be held by the transferee as trustee or any beneficiary or other persons claiming estate or interest in such land under any unregistered instrument or by devolution in law or otherwise may by caveat in the form M. of Schedule hereto or as near thereto as circumstances will permit forbid the registration of any instrument affecting such land estate or interest either absolutely or until after notice of the intended dealing given to the caveator as may be required and enjoined in such caveat and every such caveat shall state the name and address of the person by whom or on whose behalf the same is lodged and shall contain a sufficient description to identify the land and the estate or interest therein claimed by the caveator or by the person on whose behalf the caveat is lodged and except in case of caveats lodged by order of the Supreme Court or by the Registrar General as hereinbefore provided shall be signed by the caveator or by his solicitor known agent or attorney and every notice relating to such caveat or to any proceedings in respect thereof if served at the address mentioned in such caveat or at the office of the solicitor known agent or attorney who may have signed the same shall be deemed to be duly served and every such caveat may be withdrawn by the caveator.

Caveat may be withdrawn.

Notice of caveat to be given.

Caveator may be summoned to show cause.

Except in certain cases caveat to lapse after fourteen days notice given to caveator.

81. Upon the receipt of such caveat the Registrar General shall notify the same to the person against whose application to bring land under the provisions of this Act or to be registered as proprietor or as the case may be to the registered proprietor against whose title to deal with land under the provisions of this Act such caveat has been lodged and such applicant proprietor or registered proprietor may if he think fit summon the caveator or the person on whose behalf such caveat has been lodged to attend before the Supreme Court or a Judge thereof to show cause why such caveat should not be removed and it shall be lawful for such Court or Judge upon proof that such person has been summoned to make such order in the premises either *ex parte* or otherwise as to such Court or Judge may seem fit. And except in the case of a caveat lodged by a settlor or by or on behalf of a beneficiary claiming under any will or settlement or by the Registrar General for the protection of incapable persons or for the prevention of fraud as hereinbefore prescribed every such caveat lodged against a registered proprietor shall unless an order to the contrary be made by the Supreme Court or a Judge thereof be deemed to have lapsed upon the expiration of fourteen days after notice given to the caveator that such registered proprietor has applied for the registration of any transfer or other dealing with such land estate or interest.

82. So long as any caveat shall remain in force prohibiting the transfer or other dealing with land the Registrar General shall not enter in the Register Book any memorandum of transfer or other instrument purporting to transfer or otherwise deal with or affect the land estate or interest in respect to which such caveat may be lodged.

No entry to be made in Registry Book affecting lands in respect to which caveat continues in force.

83. Any person lodging any caveat with the Registrar General without reasonable cause shall be liable to make to any person who may have sustained damage thereby such compensation as may be just and such compensation shall be recoverable in an action at law by the person who has sustained damage from the person who lodged the caveat.

Compensation for lodging caveat without reasonable cause.

84. The registered proprietor of any land or of any estate or interest in land under the provisions of this Act whether of the nature of real or personal property may by any of the forms of instruments of transfer provided by this Act modified as may be necessary transfer such land estate or interest or any part thereof to his wife or if such registered proprietor be a married woman it shall be lawful for her to make such transfer to her husband or it shall be lawful for such registered proprietor to make such transfer to himself jointly with any other person or persons or to create or execute any powers of appointment or to limit any estates whether by remainder or otherwise without limiting any use or executing any re-assignment but upon the registration of such transfer the said land estate or interest shall vest in such registered proprietor jointly with any other person or persons or in the person taking under such limitation or in whose favour any power may have been executed or otherwise according to the intent and meaning appearing in such instrument and thereby expressed.

Proprietor may vest estate jointly in himself and others without limiting any use or executing any assignment.

85. Two or more persons who may be registered as joint proprietors of an estate or interest in land under the provisions of this Act shall be deemed to be entitled to the same as joint tenants and in all cases where two or more persons are entitled as tenants in common to undivided shares of or in any land such persons shall be bound to receive separate and distinct certificates of title or other instrument evidencing title to such undivided shares.

Persons registered as joint proprietors to be joint tenants.

Tenants in common to receive each a distinct certificate of title.

86. When any person is registered as joint proprietor with his wife of an estate in fee simple in right of his wife if such person die in the lifetime of his wife and before any transfer of such estate or if such wife die in the lifetime of her husband and the said husband is entitled as tenant by the courtesy or upon the death of any person registered together with any other person as joint proprietor of the same estate or interest in any land or when the life estate in respect to which any certificate of title has been issued has determined and the estate next registered in remainder or reversion has become vested in possession or the person to whom such certificate of title has been issued has become entitled to the said land for an estate in fee simple in possession the Registrar General may upon the application of the person entitled and proof to his satisfaction of any such occurrence as aforesaid register such person as proprietor of such estate or interest in manner hereinbefore prescribed for the registration of a like estate or interest upon a transfer or transmission.

Registration of survivor of joint proprietors.

87. Whenever a certificate of title has been issued in respect of a life estate in any land any person entitled in reversion or remainder to such land may apply to be registered as so entitled and the Registrar General shall cause the title of such applicant to be investigated by the solicitors and thereafter submit the same for consideration by the Lands Titles Commissioners who may either reject such application altogether or direct that the applicant be registered forthwith or be so registered unless caveat be lodged after such notice or advertisement and within such period as they may appoint and the Registrar General shall obey such direction or any order of the Supreme Court in the premises.

Remainderman or reversioner may apply to be registered as such on the certificate of title of the tenant for life.

Application to be referred to Lands Titles Commissioners.

Implied covenants may be modified or negatived.

88. Every covenant and power to be implied in any instrument by virtue of this Act may be negatived or modified by express declaration in the instrument or indorsed thereon and in any declaration in an action for a supposed breach of any such covenant the covenant alleged to be broken may be set forth and it shall be lawful to allege that the party against whom such action is brought did so covenant precisely in the same manner as if such covenant had been expressed in words in such memorandum of transfer or other instrument any law or practice to the contrary notwithstanding and every such implied covenant shall have the same force and effect and be enforced in the same manner as if it had been set out at length in such instrument and where any memorandum of transfer or other instrument in accordance with the provisions of this Act is executed by more parties than one such covenants as are by this Act declared to be implied in instruments of the like nature shall be construed to be several and not to bind the parties jointly.

Implied covenants to be several and not joint.

Seal of office to be received in evidence.

89. The Registrar General shall have and use a seal of office bearing the impression of the Royal Arms of England and having inscribed in the margin thereof the words "Registrar General Victoria" and every instrument bearing the imprint of such seal and purporting to be signed or issued by the Registrar General or by any assistant registrar shall be received in evidence and shall be deemed to be signed or issued by or under the direction of the Registrar General without further proof unless the contrary be shown.

Registrar General with sanction of Governor to alter forms of instruments &c.

90. The Registrar General may with the consent of the Governor in Council from time to time make such alterations in the several form of instruments prescribed in the Schedule hereto as he may deem requisite and shall cause every such form to be stamped with his seal and to be supplied at the General Registry Office free of charge or at such moderate prices as he may from time to time fix or may license any person to print and sell the same and every such form if made in a form purporting to be a proper form and to be sealed as aforesaid shall be taken to be made in the legally authorized form unless the contrary is proved.

Registrar General may dispense with the duplicates of certificates of title and other instruments in certain cases.

91. The Registrar General with the consent of the Lands Titles Commissioners in case they shall see reasonable cause for so doing may dispense with the production of any grant certificate of title lease or other instrument for the purpose of entering the memorial by this Act required to be entered upon the transfer or other dealing with land under the provisions of this Act and upon the registration of such transfer or other dealing the Registrar General shall notify in the memorial in the Register Book that no entry of such memorial has been made on the duplicate grant or other instrument and such transfer or other dealing shall thereupon be as valid and effectual as if such memorial had been so entered and the Registrar General may with the like consent dispense with the production of the grant or certificate of title hereinbefore required to be surrendered prior to the registration of a devisee or heir-at-law upon the transmission of an estate of freehold Provided always that before registering such transfer transmission or other dealing the Registrar General shall in such case require the transferrer or other party dealing or deriving to make an affidavit that such grant or instrument has not been deposited as security for any loan and shall give at least fourteen days' notice of his intention to register such dealing in the *Government Gazette* and in at least one newspaper published in the City of Melbourne.

But notice to be given before registering any dealing.

Sales by Sheriff or under order of Supreme Court.

92. No judgment entered up prior to the date on which this Act shall come into operation or thereafter shall bind charge or affect any land estate or interest under the provisions of this Act but whenever any land or any estate or interest in land under the provisions of this Act shall be seized or sold by the sheriff under any writ or shall

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be sold under any direction decree or order of the Supreme Court or whenever any order of such Court shall be made authorizing the Curator of the estates of deceased persons to take the charge of the real estate of a deceased proprietor the Registrar General on being served with an office copy of the writ direction decree or order as the case may be shall enter in the Register Book and also upon the instrument evidencing title to the said estate or interest if produced for that purpose the date of the said writ direction decree or order and the date and hour of the production thereof and after such entry as aforesaid the Sheriff or person authorized by the Supreme Court shall do such acts and execute such instruments as under the provisions of this Act may be necessary to transfer or otherwise to deal with the said estate or interest Provided always that unless and until such entry has been made as aforesaid no such writ shall bind or affect any land under the provisions of this Act or any estate or interest therein nor shall any sale or transfer by the Sheriff be valid as against a purchaser or mortgagee notwithstanding such writ may have been actually in the hands of the Sheriff at the time of any purchase or mortgage or notwithstanding such purchaser or mortgagee may have had actual or constructive notice of the issue of such writ and upon production to the Registrar General of sufficient evidence of the satisfaction of any writ so entered as aforesaid he shall enter in the Register Book a memorandum to that effect and such writ shall be deemed to be satisfied accordingly and every such writ shall be deemed to have lapsed unless the same shall be executed and put in force within three calendar months from the day on which it was entered in the Register Book as aforesaid.

93. A Corporation for the purpose of transferring or otherwise dealing with land under the provisions of this Act in lieu of signing the proper instrument for such purpose prescribed may affix thereto the common seal of such Corporation with a certificate that such seal was affixed by the proper officer verified by his signature.

Seal of Corporation substituted for signature.

94. Instruments executed pursuant to the provisions of this Act if attested by one witness shall be held to be duly attested and the execution thereof may be proved if the parties executing the same be resident within the said Colony then before the Registrar General or before a Notary Public Justice of the Peace or a Commissioner for taking affidavits if the said parties be resident in the United Kingdom of Great Britain and Ireland then before the Mayor or other chief officer of any Corporation or before a Notary Public if the said parties be resident in any British Possession then before the Chief Justice Judge of any superior Court having jurisdiction in such Possession or before the Governor Government Resident or Chief Secretary thereof if the said parties be resident at any foreign place then before the British Consular Officer resident at such place.

Attestation of instruments.

Execution of instruments before whom to be proved.

95. The execution of any such instrument may be proved before any such person as aforesaid by the oath or statutory declaration of the parties executing the same or of a witness attesting the signing thereof and if such witness shall answer in the affirmative each of the questions following that is to say—

Mode of proving instruments.

Are you the witness who attested the signing of this instrument and is the name or mark purporting to be your name or mark as such attesting witness your own handwriting?

Do you personally know the person signing this instrument and whose signature you attested?

Is the name purporting to be his signature his own handwriting—is he of sound mind—and did he freely and voluntarily sign the same?

Then the Registrar General Justice or other person before whom such witness shall prove such signature as aforesaid shall indorse upon such

instrument a certificate in form N of the Schedule hereto and if the person executing such instrument be personally known to the Registrar General Justice or other person as aforesaid he may attend and appear before such Registrar General Justice or other person and acknowledge that he did freely and voluntarily sign such instrument and upon such acknowledgment the Registrar General Justice or other person shall indorse on such instrument a certificate in form O of the Schedule hereto provided that such questions as aforesaid may be varied as circumstances may require in case any person shall sign such instrument by his mark.

Acknowledgment of married women to be taken before Registrar General or person legally authorized.

96. The Registrar General shall not register any instrument signed by any married woman purporting to transfer or otherwise to deal with any land under the provisions of this Act in respect to which she may be registered as proprietor either solely or jointly with her husband in her right until such married woman shall have been examined apart from her husband by the Registrar General or other person legally authorized to take the acknowledgments of married women and has assented to such proposed dealing after full explanation of her rights in the land and of the effect of the proposed dealing and the Registrar General or other persons taking such acknowledgment shall indorse on the instrument of transfer or other dealing a certificate of such acknowledgment and examination and the date and hour thereof.

Upon surrender of existing grants or certificates of title the proprietor may obtain a single certificate for all the land included therein

97. Upon the application of any registered proprietor of land held under separate grants or certificates of title or under one grant or certificate and the delivering up of such grant or grants certificate or certificates of title it shall be lawful for the Registrar General to issue to such proprietor a single certificate of title for the whole of such land or several certificates each containing portion of such land in accordance with such application and as far as the same may be done consistently with any regulations at the time being in force respecting the parcels of land that may be included in one certificate of title and upon issuing any such certificate of title the Registrar General shall cancel the grant or previous certificate of title of such land so delivered up and shall indorse thereupon a memorandum setting forth the occasion of such cancellation and referring to the certificate of title so issued.

Provision in case of lost grant.

98. In the event of the grant or certificate of title of land under the provisions of this Act being lost mislaid or destroyed the proprietor of such land together with other persons if any having knowledge of the circumstances may make a declaration before the Registrar General or before any of the persons hereinbefore appointed as persons before whom the execution of instruments may be proved stating the facts of the case the names and descriptions of the registered owners and the particulars of all mortgages encumbrances or other matters affecting such land and the title thereto to the best of declarant's knowledge and belief and the Registrar General if satisfied as to the truth of such declaration and the *bonâ fides* of the transaction may with the consent of the other Lands Titles Commissioners issue to such applicant a provisional certificate of title of such land which provisional certificate shall contain an exact copy of the original grant or certificate of title bound up in the Register Book and of every memorandum and indorsement thereon and shall also contain a statement of the circumstances under which such provisional certificate is issued and the Registrar General shall at the same time enter in the Register Book notice of the issuing of such provisional certificate and the date thereof and the circumstances under which it was issued and such provisional certificate shall be available for all purposes and uses for which the grant or certificate of title so lost or mislaid would have been available and as valid to all intents as such
lost

lost grant or certificate Provided always that the Registrar General before issuing such provisional certificate shall give at least fourteen days' notice of his intention so to do in the *Government Gazette* and in at least one newspaper published in the City of Melbourne.

99. Upon the production of the receipt of the Treasurer of the said Colony in full for the purchase money of any lands alienated in fee from the Crown together with a memorandum of transfer mortgage or lease duly executed by the purchaser from the Crown of such land the Registrar General shall indorse upon such receipt such memorial as he is hereinbefore required to enter in the Register Book upon the registration of any dealing of a like nature with land in respect to which a grant or certificate of title has been registered and shall sign such indorsement and stamp the same with his seal and such instrument shall thereupon be held to be duly registered in accordance with the provisions of this Act and the Registrar General shall file such receipt and such instrument in his office and upon the registration of the grant of such land the Registrar General shall enter thereon a memorial of such dealing and shall indorse such instrument with the certificate of registration as hereinbefore prescribed for the registration of instruments generally.

Dealings may be registered prior to the issue of grant from the Crown.

100. Any proprietor subdividing any land under the provisions of this Act for the purpose of selling the same in allotments as a township shall deposit with the Registrar General a map of such township provided that such map shall exhibit distinctly delineated all roads streets passages thoroughfares squares or reserves appropriated or set apart for public use and also all allotments into which the said land may be divided marked with distinct numbers or symbols and every such map shall be certified as accurate by declaration of a licensed surveyor before the Registrar General or a Justice of the Peace. Provided that no person shall be permitted to practise as a surveyor under the provisions of this Act unless specially licensed for that purpose by the Surveyor General.

Proprietor shall deposit map.

101. The Registrar General may require the proprietor applying to have any land brought under the provisions of this Act or desiring to transfer or otherwise to deal with the same or any portion thereof to deposit at the Registry Office a map or plan of such land certified by a licensed surveyor in manner aforesaid and if the said land or the portion thereof proposed to be transferred or dealt with shall be of less area than one statute acre then such map or plan shall be on a scale not less than one inch to two chains and if such land or the portion thereof about to be transferred or dealt with shall be of greater area than one statute acre but not exceeding five statute acres then such map shall be upon a scale not less than one inch to five chains and if such land or the portion thereof as aforesaid shall be of greater area than five statute acres but not exceeding eighty statute acres then such map or plan shall be upon a scale of not less than one inch to ten chains and if such land or the portion thereof as aforesaid shall be of greater area than eighty statute acres then such map or plan shall be upon a scale of one inch to twenty chains and if such proprietor shall neglect or refuse to comply with such requirement it shall not be incumbent on the Registrar General to proceed with the bringing of such land under the provisions of this Act or with the registration of such transfer or lease Provided always that subsequent subdivisions of the same land may be delineated on the map or plan of the same so deposited if such map be upon a sufficient scale in accordance with the provisions herein contained and the correctness of the delineation of each such subdivision shall be acknowledged in manner prescribed for the case of the deposit of an original map.

Registrar General may require map to be deposited.

102. The Registrar General upon payment of the fee specified in the Schedule P hereto shall furnish to any person applying for the same a certified copy of any registered instrument affecting land under the

Certified copies signed and sealed to be furnished by Registrar General and to be received in evidence.

the provisions of this Act and every such certified copy signed by him and sealed with his seal shall be received in evidence in any Court of Justice or before any person having by law or by consent of parties authority to receive evidence as *prima facie* proof of all the matters contained or recited in or indorsed on the original instrument.

PART VII.—*Rights Remedies and Procedure.*

Search allowed.

103. Any person may upon payment of a fee specified in Schedule P hereto have access to the Register Book for the purpose of inspection during the hours and upon the days appointed for search.

Authority to register.

104. The Registrar General shall not receive any application for bringing land under the provisions of this Act or any instrument purporting to deal with or affect any land under the provisions of this Act unless there shall be indorsed thereon a certificate that the same is correct for the purposes of this Act signed by the applicant or party claiming under or in respect of such instrument or by his solicitor and any person who shall falsely or negligently certify to the correctness of any such application or other instrument shall incur therefor a penalty not exceeding *fifty* pounds. Provided always that such penalty shall not prevent the person who may have sustained any damage or loss in consequence of error or mistake in any such certified instrument or any duplicate thereof from recovering damages against the person who shall have certified the same.

Penalty for registering incorrect instruments.

Fees to be charged.

105. *It shall be lawful for the Registrar General to recover such fees as shall be appointed by the Governor in Council not in any case exceeding the several fees specified in the Schedule hereto marked P.*

Registrar General to pay moneys into Treasury and to render accounts.

106. The Registrar General shall keep a correct account of all such sums of money as shall be received by him in accordance with the provisions of this Act and shall pay the same into the public Treasury of the said Colony at such times and shall render accounts of the same to such persons and in such manner as may be directed in any regulations that may for that purpose be prescribed by the Governor in Council and the Registrar General shall address to the said Treasurer requisitions to pay moneys received by him or by the said Treasurer in trust or otherwise on account of absent mortgagees or other persons entitled in accordance with the provisions of this Act which requisitions when proved and audited in manner directed by any such regulations framed as aforesaid at the time being in force in the said Colony and accompanied by warrant for payment of the same under the hand of the Governor countersigned by the Chief Secretary thereof the said Treasurer shall be bound to obey and all fines and fees received under the provisions of this Act except fees payable to the Lands Titles Commissioners for the bringing of land under the operation of this Act shall be carried by the said Treasurer to account of the Consolidated Revenue.

Parties entitled to be paid by Treasurer upon proper warrant.

Proprietor may summon Registrar General to shew cause if dissatisfied.

107. If upon the application of any proprietor to have land of which he is seised brought under the provisions of this Act or to have any dealing or transmission registered or recorded or to have any certificate of title registration abstract foreclosure order or other instrument issued or to have any act or duty done or performed which by this Act is prescribed to be done or performed by the Registrar General the Registrar General shall refuse so to do or if such proprietor shall be dissatisfied with the direction upon his application given by the Lands Titles Commissioners as hereinbefore provided it shall be lawful for such proprietor to require the Registrar General to set forth in writing under his hand the grounds of his refusal or the grounds upon which such direction was given and such proprietor may if he think fit at his own costs summon the Registrar General to appear before the Supreme Court to substantiate and uphold the grounds of his refusal or of such direction as aforesaid such summons

to

to be issued under the hand of a Judge of the said Court and served upon the Registrar General six clear days at least before the day appointed for hearing the plaintiff of such proprietor and upon such hearing the Registrar General or his counsel shall have the right of reply and the said Court shall if any question of fact be involved direct an issue to be tried to decide such fact and the said Court shall thereupon make such order in the premises as in their judgment the circumstances of the case may require and the Registrar General shall obey such order and all expenses attendant upon any such proceedings shall be borne and paid by the applicant or other person preferring such plaint unless the Judge or Court shall certify that there were no probable grounds for such refusal or direction as aforesaid.

Expense to be borne by applicant.

108. It shall be lawful for the Registrar General by direction of the Lands Titles Commissioners whenever any question shall arise with regard to the performance of any duties or the exercise of any of the functions by this Act conferred or imposed upon him or them to state a case for the opinion of the Supreme Court and thereupon it shall be lawful for the said Court to give its judgment thereon and such judgment shall be binding upon the Registrar General and Lands Titles Commissioners respectively.

Power to Registrar General to state a case for Supreme Court.

109. Whenever any person interested in land under the provisions of this Act shall appear to the Supreme Court to be a trustee of such land within the intent and meaning of the "Trustee Act 1856" and any order shall be made in the premises by the Court or a Judge thereof the Registrar General on being served with an office copy of such order shall enter in the Register Book and on the grant or other instrument evidencing title to the said land the date of the said order the date and hour of its production to him and the name residence and description of the person in whom the said order shall purport to vest the said land and such person shall thereupon be deemed to be the registered proprietor of such land and unless and until such entry shall be made the said order shall have no effect or operation in transferring or otherwise vesting the said land.

Registrar General to carry out order of Supreme Court vesting trust estate.

110. Whenever a person entitled to or interested in land as a trustee would be entitled under the last preceding clause to bring or defend any action of ejectment in his own name for recovering the possession of land under the provisions of this Act such person shall be bound to allow his name to be used as a plaintiff or defendant in such action of ejectment by any beneficiary or person claiming an estate or interest in the said land Provided nevertheless that the person entitled or interested as such trustee shall in every such case be entitled to be indemnified in like manner as a trustee would before the passing of this Act have been entitled to be indemnified in a similar case of his name being used in any such action or proceeding by his cestuique trust.

Action may be brought by person claiming beneficiary interest in name of trustee.

Trustee to be indemnified.

111. Except in the case of fraud no person contracting or dealing with or taking or proposing to take a transfer from the registered proprietor of any registered estate or interest shall be required or in any manner concerned to inquire or ascertain the circumstances in or the consideration for which such registered owner or any previous registered owner of the estate or interest in question is or was registered or to see to the application of the purchase money or of any part thereof or shall be affected by notice direct or constructive of any trust or unregistered interest any rule of Law or Equity to the contrary notwithstanding and the knowledge that any such trust or unregistered interest is in existence shall not of itself be imputed as fraud.

Purchaser from registered proprietor not to be affected by notice.

112. In any suit for specific performance brought by a registered proprietor of any land under the provisions of this Act against a person who may have contracted to purchase such land not having notice of any fraud or other circumstances which according to the provisions

Registered proprietor bringing suit for specific performance to be entitled to decree.

provisions of this Act would affect the right of the vendor the certificate of title of such registered proprietor shall be held in every Court of Law or Equity to be conclusive evidence that such registered proprietor has a good and valid title to the land and for the estate or interest therein mentioned or described and shall entitle such registered proprietor to a decree for the specific performance of such contract.

Mortgagee may apply to Registrar General for an order for foreclosure.

113. When default has been made in the payment of the interest or principal sum secured by memorandum of mortgage for six calendar months a registered mortgagee may make application in writing to the Registrar General for an order for foreclosure and such application shall state that such default has been made as aforesaid and that the land estate or interest mortgaged has been offered for sale at public auction by a licensed auctioneer after notice given to the mortgagor as in this Act provided and that the amount of the highest bid at such sale was not sufficient to satisfy the money secured by such mortgage together with the expenses occasioned by such sale and that notice in writing of the intention of such mortgagee to make such application has been given to the mortgagor by leaving the same at his usual or last known place of abode if such place be within three miles of the residence of such mortgagee or by forwarding the same by registered letter through the Post Office if such place be beyond that distance and such application shall be accompanied by a certificate of the licensed auctioneer by whom such land was put up for sale and such other proof of the matters stated by the applicant as the Registrar General may require and the statements made in such application shall be verified by the oath or statutory declaration of the applicant.

Application to be referred to Lands Titles Commissioners.

114. The Registrar General shall refer such application to the Lands Titles Commissioners who may direct the Registrar General to cause notice to be published once in the *Government Gazette* and once in each of three successive weeks in at least one newspaper published in the City of Melbourne offering such land for sale and shall further limit and appoint a time not less than one month from the date of the advertisement in such *Gazette* upon or after which the Registrar General may issue to such applicant an order for foreclosure unless in the interval a sufficient amount has been realized by the sale of such land to satisfy the principal and interest moneys due and all expenses occasioned by such sale and proceedings and every such order for foreclosure under the hand of the Registrar General and entered in the Register Book shall have the effect of vesting in the mortgagee all the estate and interest of the mortgagor in the land mentioned in such order free from all right and equity of redemption on the part of the mortgagor or of any person claiming through or under him.

Registered proprietor protected against ejectment except in certain cases.

115. No action of ejectment or other action for the recovery of any land shall lie or be sustained against the person registered as proprietor thereof under the provisions of this Act except in any of the following cases that is to say—

- (1.) The case of a mortgagee as against a mortgagor in default.
- (2.) The case of an encumbrancee as against an encumbrancer in default.
- (3.) The case of a lessor as against a lessee in default.
- (4.) The case of a person deprived of any land by fraud as against the person registered as proprietor of such land through fraud or as against a person deriving otherwise than as a transferee *bonâ fide* for value from or through a person so registered through fraud.

(5.)

- (5.) The case of a person deprived of or claiming any land included in any grant or certificate of title of other land by misdescription of such other land or of its boundaries as against the registered proprietor of such other land not being a transferee thereof *bonâ fide* for value.
- (6.) The case of a registered proprietor claiming under the instrument of title prior in date of registration under the provisions of this Act in any case in which two or more grants or two or more certificates of title or a grant and a certificate of title may be registered under provisions of this Act in respect to the same land.

And in any case other than as aforesaid the production of the registered grant certificate of title or lease shall be held in every Court of Law or Equity to be an absolute bar and estoppel to any such action against the person named in such instrument as seised of or as registered proprietor or lessee of the land therein described any rule of law or equity to the contrary notwithstanding.

116. Any person deprived of land or of any estate or interest in land in consequence of fraud or through the bringing of such land under the provisions of this Act or by the registration of any other person as proprietor of such land estate or interest or in consequence of any error omission or misdescription in any certificate of title or in any entry or memorial in the Register Book may in any case in which such land has been included in two or more grants from the Crown bring and prosecute an action at law for the recovery of damages against such person as the Governor may appoint as nominal defendant and in any other case against the person upon whose application such land was brought under the provisions of this Act or such erroneous registration was made or who acquired title to the estate or interest in question through such fraud error or misdescription Provided always that except in the case of fraud or of error occasioned by any omission misrepresentation or misdescription in the application of such person to bring such land under the provisions of this Act or to be registered as proprietor of such land estate or interest or in any instrument executed by him such person shall upon a transfer of such land *bonâ fide* for value cease to be liable for the payment of any damages which but for such transfer might have been recovered from him under the provisions hereinbefore contained and in such last mentioned case and also in case the person against whom such action for damages is directed to be brought as aforesaid shall be dead or shall have been adjudged insolvent or cannot be found within the jurisdiction then and in any such case such damages with cost of action may be recovered out of the assurance fund by action against the Registrar General as nominal defendant.

117. Nothing in this Act contained shall be so interpreted as to leave subject to action for recovery of damages as aforesaid or to action of ejectment or to deprivation of the estate or interest in respect to which he is registered as proprietor any purchaser or mortgagee *bonâ fide* for valuable consideration of land under the provisions of this Act on the plea that his vendor or mortgagor may have been registered as proprietor through fraud or error or may have derived from or through a person registered as proprietor through fraud or error and this whether such fraud or error shall consist in wrong description of the boundaries or of the parcels of any land or otherwise howsoever.

118. Any person sustaining loss or damages through any omission mistake or misfeasance of the Registrar General or any of his officers or clerks in the execution of their respective duties under the provisions of this Act or by the registration of any other person as proprietor of such land or by any error omission or misdescription

in

in any certificate of title or any entry or memorial in the Register Book and who by the provisions of this Act is barred from bringing action of ejectment or other action for the recovery of such land estate or interest may in any case in which the remedy by action for recovery of damages as hereinbefore provided is inapplicable bring an action against the Registrar General as nominal defendant for recovery of damages.

Notice of action to be served.

119. In any case in which action for recovery of damages is permitted to be brought against the Registrar General as nominal defendant as hereinbefore provided notice in writing of such action and of the cause thereof shall be served upon such nominal defendant one calendar month at least before the commencement of such action and if in any such action judgment be given in favour of the nominal defendant or the plaintiff discontinue or become nonsuit the plaintiff shall be liable to pay the full costs of defending such action and the same when taxed shall be levied in the name of the nominal defendant by the like process of execution as in other actions on the case.

Treasurer on receipt of warrant from Governor to pay amount of award.

120. If in any such action the plaintiff recover final judgment against such nominal defendant then the Court or Judge before whom such action may be tried shall certify the fact of such judgment and the amount of damages and costs recovered and the amount of such damages and costs shall be paid to the person recovering the same and shall be charged to the account of the assurance fund *and in case the balance to the credit of the assurance fund shall be inadequate to defray the amount specified such sum as may be necessary for that purpose shall be paid out of the Consolidated Revenue and the amount so advanced shall be repaid from the assurance fund as the same may thereafter accrue.*

Limitation of actions.

121. No action for recovery of damages sustained through deprivation of land or of any estate or interest in land as hereinbefore described shall lie or be sustained against the Registrar General or against the assurance fund or against the person upon whose application such land was brought under the provisions of this Act or against the person who applied to be registered as proprietor in respect to such land or against the person certifying any instrument as aforesaid unless such action shall be commenced within the period of six years from the date of such deprivation. Provided nevertheless that any person being under the disability of coverture infancy unsoundness of mind or absence from the said Colony may bring such action within six years from the date on which such disability shall have ceased and the plaintiff in any such action at whatever time it may be brought or the plaintiff in action for the recovery of land shall be nonsuited in any case in which the deprivation complained of may have been occasioned through the bringing of land under the provisions of this Act if it shall be made to appear to the satisfaction of the Court before which such action shall be tried that such plaintiff or the persons through or under whom he claims title had notice by personal service or otherwise or was aware that application had been made to bring such land under the provisions of this Act and had wilfully or collusively omitted to lodge caveat forbidding the same or had allowed such caveat to lapse.

Parties having notice or cognizant neglecting to caveat barred.

Moneys paid out of assurance fund may be recovered.

122. Whenever any amount has been paid out of the assurance fund on account of any person who may be dead such amount may be recovered from the estate of such person by action against his personal representatives in the name of the Registrar General and whenever such amount has been paid on account of a person who shall have been adjudged insolvent the amount so paid shall be considered to be a debt due from the estate of such insolvent and a certificate signed by the Treasurer of the said Colony certifying the fact of such payment out of the assurance fund and delivered to the Official Assignee shall be sufficient proof of such debt and whenever any amount has been paid out

out of the assurance fund on account of any person who may have absconded or who cannot be found within the jurisdiction of the Supreme Court and may have left any real or personal estate within the said Colony it shall be lawful for the said Court or a Judge thereof upon the application of the Registrar General and upon the production of a certificate signed by the Treasurer of the said Colony certifying that the amount has been paid in satisfaction of a judgment against the Registrar General as nominal defendant to allow the Registrar General to sign judgment against such person forthwith for the amount so paid out of the assurance fund together with the costs of the application and such judgment shall be final and signed in like manner as a final judgment by confession or default in an adverse suit and execution may issue immediately and if such person shall not have left real or personal estate within the said Colony sufficient to satisfy the amount for which execution may have been issued as aforesaid it shall be lawful for the Registrar General to recover such amount or the unrecovered balance thereof by action against such person at any time thereafter he may be found within the jurisdiction of the Supreme Court.

123. The assurance fund shall not under any circumstances be liable for compensation for any loss damage or deprivation occasioned by the breach by a registered proprietor of any trust whether express implied or constructive nor in any case in which the same land may have been included in two or more grants from the Crown nor shall the assurance fund be liable in any case in which such loss or deprivation has been occasioned by any land being included in the same certificate of title with other land through misdescription of boundaries or parcels of any land unless in the case last aforesaid it shall be proved that the person liable for compensation and damages is dead or has absconded or has been adjudged insolvent or the Sheriff shall certify that such person is unable to pay the full amount awarded in any action for recovery of such compensation and damages. Provided always that any amount paid out of the assurance fund on account of any person who may have absconded may be recovered from such person by action in the name of the Registrar General at any time thereafter if such person shall be found within the jurisdiction of the Supreme Court. Provided also that the said fund shall be liable for such amounts only as the Sheriff shall fail to recover from the person liable as aforesaid.

Assurance fund not liable in certain cases.

124. The Registrar General shall not individually nor shall any person acting under his authority be liable to any action suit or proceeding for or in respect of any act or matter *bond fide* done or omitted to be done in the exercise or supposed exercise of the powers of this Act.

Registrar General not to be liable for acts done *bond fide*.

125. In case it shall appear to the satisfaction of the Registrar General that any certificate of title or other instrument has been issued in error or contains any misdescription of land or of boundaries or that any entry or endorsement has been made in error or any grant certificate of title or other instrument or that any such grant certificate instrument entry or endorsement has been fraudulently or wrongfully obtained or that any such grant certificate or instrument is fraudulently or wrongfully retained he may summon the person to whom such grant has been so issued or by whom it has been so obtained or is retained to deliver up such certificate or instrument for the purpose of being cancelled or corrected as the case may require and in case such person shall refuse or neglect to comply with such summons or cannot be found the Registrar General may apply to a Judge of the Supreme Court to issue a summons for such person to appear before such Court or Judge and show cause why such grant certificate or other instrument should not be delivered up to be cancelled or corrected as aforesaid and if such person when served with such

Person to whom certificate or other instrument of title has been issued in error or who wrongfully retains such instrument may be summoned.

Person refusing to deliver up certificate for cancellation or correction may be arrested and brought before a Judge of the Supreme Court.

summons shall neglect or refuse to attend before such Judge or Court at the time therein appointed it shall be lawful for such Judge to issue a warrant authorizing and directing the person so summoned to be apprehended and brought before a Judge of the Supreme Court for examination.

Party appearing may be examined on oath.

126. Upon the appearance before the Court or Judge of any person summoned or brought up by virtue of a warrant as aforesaid it shall be lawful for the Court or Judge to examine such person upon oath and in case the same shall seem proper to order such person to deliver up such grant certificate of title or other instrument as aforesaid and upon refusal or neglect by such person to deliver up the same pursuant to such order to commit such person to the common gaol of the Colony and in such case or in case such person shall have absconded so that summons cannot be served upon him as hereinbefore directed the Registrar General shall if the circumstances of the case require it issue to the proprietor of the said land such certificate of title or other instrument as is herein provided to be issued in the case of any grant or certificate of title being lost mislaid or destroyed and shall enter in the Register Book notice of the issuing of the said certificate of title or other instrument and the circumstances under which the same was issued and such other particulars as he may deem necessary.

Court may order the delivery of the instrument to the Registrar General.

In case of neglect or refusal Registrar General may issue a fresh certificate or other instrument.

Powers of Court to direct cancellation of certificate or entry in certain cases.

127. Upon the recovery of any land estate or interest by any proceeding at law or in equity from the person registered as proprietor thereof it shall be lawful for the Court or Judge in any case in which such proceeding is not hereinbefore expressly barred to direct the Registrar General to cancel any certificate of title or other instrument or any entry or memorial in the Register Book relating to such land and to substitute such certificate of title or entry as the circumstances of the case may require and the Registrar General shall give effect to such order.

128. Every sworn valuator shall within fourteen days of the date of his appointment and before performing any duties under this Act take the following oath before the Registrar General who is hereby authorized to administer the same—

I do solemnly swear that I will faithfully and honestly and to the best of my skill and ability make any valuation required of me under the provisions of the "Real Property Act."

Certain fraudulent acts to be deemed misdemeanors.

129. If any person fraudulently procures assists in fraudulently procuring or is privy to the fraudulent procurement of any certificate of title or other instrument or of any entry in the Register Book or of any erasure or alteration in any entry in the Register Book or in any instrument or form issued by the Registrar General or fraudulently uses assists in fraudulently using or is privy to the fraudulent using of any form purporting to be issued or sanctioned by the Registrar General or knowingly misleads or deceives any person hereinbefore authorized to demand explanation or information in respect to any land or the title to any land which is the subject of any application to bring the same under the provisions of this Act or in respect to which any dealing or transmission is proposed to be registered or recorded such person shall be guilty of a misdemeanor and shall incur a penalty not exceeding *five hundred* pounds or may at the discretion of the Court before whom the case may be tried be imprisoned for any period not exceeding *three* years and any certificate of title entry erasure or alteration so procured or made by fraud shall be void as between all parties or privies to such fraud.

Conviction not to affect civil remedy.

130. No proceeding or conviction of any act hereby declared to be a misdemeanor or a felony shall affect any remedy which any person aggrieved or injured by such act may be entitled to at law or in equity against the person who has committed such act or against his estate.

131. If any person is guilty of the following offences or any of them (that is to say)—

- (1.) Forges or procures to be forged or assists in forging the Seal of the Registrar General or the name signature or handwriting of any officer of the Registry Office in cases where such officer is by this Act expressly or impliedly authorized to affix his signature.
- (2.) Stamps or procures to be stamped or assists in stamping any document with any forged seal purporting to be of the Registry Office.
- (3.) Forges or procures to be forged or assists in forging the name signature or handwriting of any person whomsoever to any instrument which is by this Act or in pursuance of any power contained in this Act expressly or impliedly authorized to be signed by such person.
- (4.) Uses with an intention to defraud any person whomsoever any document upon which any impression or part of the impression of any seal of the Registry Office has been forged knowing the same to have been forged or any document the signature to which has been forged knowing the same to have been forged.

Such person shall be guilty of felony and if any person is guilty of making a false oath or declaration concerning any matter or procedure made or done in pursuance of this Act such person shall be deemed guilty of perjury.

132. Any person convicted of felony or perjury under this Act shall be liable to imprisonment for any term not exceeding *four* years and to be kept to hard labor or solitary confinement for any part of the period aforesaid.

133. In the conduct of actions under this Act the same rules of procedure and practice shall apply and there shall be the same rights of appeal as are in force or exist for the time being in respect of ordinary actions in the Court in which such action may be tried. Provided that the Judges of the Supreme Court shall have power from time to time to make rules and orders for regulating proceedings in the Supreme Court under this Act and from time to time to rescind alter or add to such rules and orders in like manner as at present.

134. Unless in any case herein otherwise expressly provided all offences against the provisions of this Act may be prosecuted and all penalties or sums of money imposed or declared to be due or owing by or under the provisions of the same may be sued for and recovered in the name of the Attorney General or of the Solicitor General before any Court in the said Colony having jurisdiction for punishment of offences of the like nature or for the recovery of penalties or sums of money of the like amount.

135. This Act shall commence and take effect from and after the first day of October one thousand eight hundred and sixty-two.

SCHEDULES REFERRED TO.

A.

Application to bring Land under the provisions of the Real Property Act.
 I A. B. of do declare (that I am) or (on behalf of
 of that he is) seized of an estate of freehold (here state whether of
 inheritance or of a life estate and whether held in trust) in all that piece of land situated in
 (here state the situation) containing (here state the area) be the same a little more or less
 (exclusive of roads intersecting the same if any) with (here state rights of way and other
 privileges or easements appertaining and set forth a sufficient description to identify the land)
 which piece of land is of the value of £ and no more and is (the town
 allotment or country section or is part of the town allotment country section or reserve)
 originally granted to by land grant under the hand and seal
 of formerly Governor of the Colony Dated the
 day of numbered in the plan of the (district township or
 county) of as delineated on the public maps of the Colony deposited
 in the Survey Office Melbourne And I do further declare that I am not aware of any mort-
 gage encumbrance or claim affecting the said land or that any person hath any claim estate
 or interest in the said land at law or in equity in possession or in expectancy other than is
 set forth and stated as follows that is to say (here state particulars of mortgages encum-
 brances dower or other interest to which the land may be subject) And I further declare
 that there is no person in possession or occupation of the said lands adversely to my estate
 or interest therein and that the said land is now (here state name and description of occupier
 or that the land is unoccupied) and that (here state the names and addresses of owners and
 occupiers of lands contiguous thereto) and that there are no deeds or instruments of title
 affecting such land in my possession or under my control other than those enumerated in
 the Schedule hereto or at foot hereof and I make this solemn declaration conscientiously
 believing the same to be true.

Dated at this day of 18
 Made and subscribed by the above-named this day of
 in the presence of me Registrar General or Justice of the Peace.
 I A. B. the above declarant do hereby apply to have the piece of land described in
 the above declaration brought under the provisions of the Real Property Act.
 Dated at this day of 18
 Witness to signature—C. D.

B.

Caveat forbidding Lands to be brought under the Real Property Act.
 Take notice that I of claiming estate
 or interest (here state the nature of the estate or interest claimed and the ground on which
 such claim is founded) in lands described as (here state particulars of description from
 declaration of applicant) in notice dated the day of advertising
 the same as land in respect to which claim has been made to have the same brought under
 the provisions of the Real Property Act do hereby forbid the bringing of the said land
 under the provisions of the said Act.

And I appoint as the place at which notices relating hereto
 may be served.

Dated this day of 18

A. B.

Signed in my presence this day of
 To the Registrar General of the Colony of Victoria.

C.

VICTORIA.

[Royal Arms.]

Certificate of Title.

A. B. of (here insert description and if certificate be issued pursuant to any transfer
 reference to memorandum of transfer) is now seized of an estate (here state whether in fee simple
 or for life) subject nevertheless to such encumbrances liens and interests as are notified by
 memorial underwritten or indorsed hereon in that piece of land situated in the (county or
 township) of (here insert sufficient description to identify the land referring to
 map or diagram) which said piece of land is (or is part of) the (country section or town
 allotment) marked delineated in the public map of the said (county or township)
 deposited in the office of the Surveyor General originally granted the day of
 under hand and seal of Governor of the said Colony to C. D.

In witness whereof I have hereunto signed my name and affixed my seal this
 day of
 Signed in presence of } Registrar General. (L.S.)
 the day of }

D.

D.

Memorandum of Transfer.

I A. B. being registered as the proprietor of an estate (*here state nature of the estate or interest*) subject however to such encumbrances liens and interests as are notified by memorandum underwritten or indorsed hereon in all that piece of land situated in the (*county or township*) of containing (*here state area*) be the same a little more or less (*exclusive of roads intersecting the same if any [here state rights of way privileges or easements if any intended to be conveyed]*) and if the land to be dealt with contain all that is included in an existing grant or certificate refer thereto for description of parcels and diagrams otherwise set forth the boundaries in chains links or feet and refer to plan delineated on the margin or annexed to the instrument or deposited in the Registry Office) in consideration of the sum of £ paid to me by E. F. the receipt of which sum I hereby acknowledge do hereby transfer to the said E. F. (*all my estate or interest or a lesser estate or interest describing such lesser estate*) in the said piece of land.

In witness whereof I have hereunto subscribed my name this
day of

Signed on the day above-named by the }
said A. B. in the presence of G. H. }

E.

Memorandum of Lease.

I A. B. being registered as proprietor of an estate (*here state nature of the estate or interest*) subject however to such encumbrances liens and interests as are notified by memorandum underwritten or indorsed hereon in that piece of land situated in the (*county or township*) of containing (*here state area*) be the same a little more or less (*exclusive of roads intersecting the same if any [here state rights of way privileges or easements if any intended to be conveyed]*) if the land to be dealt with contains all that is included in an existing grant or certificate of title or lease refer thereto for description and diagram otherwise set forth the boundaries in chains links or feet and refer to a plan thereof on margin of or annexed to the lease or deposited in the Registry Office) do hereby lease to E. F. of (*here insert description*) all the said lands to be held by him the said E. F. as tenant for the space of years at the yearly rental of £ payable (*here insert terms of payment of rent*) subject to the following covenants conditions and restrictions (*here set forth all special covenants if any.*)

I E. F. of (*here insert description*) do hereby accept this lease of the above described lands to be held by me as tenant and subject to the conditions restrictions and covenants above set forth.

Dated this day of

Signed by the above-named A. B. as lessor and by the above-named E. F. as lessee
this day of in presence of X. Y.

(Signed) A. B. Lessor.
E. F. Lessee.

F.

Memorandum of Mortgage.

I A. B. being registered as proprietor of an estate (*here state nature of the estate or interest*) subject however to such encumbrances liens and interests as are notified by memoranda underwritten or indorsed hereon in that piece of land situated in the (*county or township*) of containing (*here state area*) be the same a little more or less (*exclusive of roads intersecting the same if any [here state rights of way privileges or easements if any appertaining]*) and if the land to be dealt with contains all that is included in an existing grant or certificate of title or lease refer thereto for description of parcels and diagram otherwise set forth the boundaries in chains links or feet and refer to plan thereof on margin of or annexed to the mortgage or deposited in the Registry Office.)

In consideration of the sum of £ this day lent to me by E. F. of (*here insert description*) the receipt of which sum I hereby acknowledge do hereby covenant with the said E. F. that I will pay to him the said E. F. the above sum of £ on the day of Secondly that I will pay interest on the said sum at the rate of £ by the £100 in the year by equal payments on the day of and on the day of in every year Thirdly (*here set forth special covenants if any*) And for the better securing to the said E. F. the repayment in manner aforesaid of the said principal sum and interest I hereby mortgage to the said E. F. all my estate and interest in the said land above described.

In witness whereof I have hereto signed my name this day of
A. B. Mortgagor.

Signed by the above-named A. B. as mortgagor this day of in
presence of G. H.

G.

G.

Memorandum of Encumbrance for securing a Sum of Money.

I A. B. being registered as proprietor of an estate (*here state nature of the estate or interest*) subject however to such encumbrances liens and interests as are notified by memoranda underwritten or indorsed hereon in that piece of land situated in (*the county or township*) of containing (*here state area*) be the same a little more or less (*exclusive of roads intersecting the same if any [here also state rights of way privileges or easements if any appertaining]*) and if the land to be dealt with contains all that is included in an existing grant or certificate of title refer thereto for description of parcels and diagram otherwise set forth the boundaries in chains links or feet and refer to plan thereof on margin of or annexed to the bill of encumbrance or deposited in the Registry Office.)

And desiring to render the said land available for the purpose of securing to and for the benefit of C. D. the (*sum of money annuity or rent charge*) hereinafter mentioned do hereby encumber the said land for the benefit of the said C. D. with the (*sum annuity or rent charge*) of £ to be raised and paid at the times and in the manner following that is to say (*here state the times appointed for the payment of the sum annuity or rent charge intended to be secured the interest if any and the events on which such sum annuity or rent charge shall become and cease to be payable also any special covenants or powers and any modification of the powers or remedies given to an encumbrancee by the Real Property Act*) And subject as aforesaid the said C. D. shall be entitled to all powers and remedies given to an encumbrancee by the Real Property Act.

In witness whereof I have hereunto signed my name this day of in the presence of E. F.

H.

Transfer of Mortgage Lease or Encumbrance to be indorsed on Original Mortgage Encumbrance or Lease.

I the within-mentioned C. D. in consideration of £ this day paid to me by X. Y. of the receipt of which sum I do hereby acknowledge hereby transfer to him the estate or interest in respect to which I am registered proprietor as set forth and described in the within-written security together with all my rights powers estate and interest therein.

In witness whereof I have hereunto subscribed my name this day of C. D. Transferror.

Signed by the above mentioned in the presence }
of E. F. the day of }

Accepted X. Y. Transferree.

I.

Power of Attorney.

I A. B. being registered as proprietor of an estate (*here state nature of the estate or interest*) subject however to such encumbrances liens and interests as are notified by memorandum underwritten or indorsed hereon in (*here refer to schedule for description and contents of the several parcels of land intended to be affected which schedule must contain reference to the existing certificate of title or land grant or lease of each parcel*) do hereby appoint C. D. attorney on my behalf to (*here state the nature and extent of the powers intended to be conferred as whether to sell lease mortgage &c.*) the lands in the said schedule described and to execute all such instruments and do all such acts matters and things as may be necessary for carrying out the powers hereby given and for the recovery of all rents and sums of money that may become or are now due or owing to me in respect of the said lands and for the enforcement of all contracts covenants or conditions binding upon any lessee or occupier of the said lands or upon any other person in respect of the same and for the taking and maintaining possession of the said lands and for protecting the same from waste damage or trespass.

In witness whereof I have hereunto subscribed my name this day of Signed by the above-named A. B. this day of in the presence of X. Y. Schedule referred to.

K.

VICTORIA.

Registration Abstract.

[*Royal Arms.*]

[*Copy of grant or certificate.*]

Pursuant to Act of the Legislature of the said Colony intituled "The Real Property Act" sections 69 and 70 this registration abstract is issued for the purpose of enabling the registered proprietor to deal with the above described land at places without the limits of the said Colony and shall continue in force from the date hereof until the day of or until the same be surrendered to me for cancellation.

In witness whereof I have hereunto signed my name and affixed my seal this day of

Signed and sealed the day of in the presence of X. Y. Registrar General.

L.

L.

Revocation Order.

I A. B. of _____ being seised of an estate (*here state the nature of the estate*)
 all that piece of land (*here describe land referring to the existing grant certificate or other*
instrument of title) hereby revoke the power of attorney given by me to _____ dated
 the _____ day of _____

In witness whereof I have hereunto subscribed my name this _____ day
 of _____ in the presence of _____

A. B. of _____

M.

Caveat forbidding registration of dealing with estate or interest.

To the Registrar General

Take notice that I _____ claiming estate or interest (*here state the nature of the*
estate or interest claimed and the grounds on which such claim is founded) in (*here describe*
land) forbid the registration of any memorandum of transfer or instrument affecting the said
 land until (this caveat be by me or by the order of the Supreme Court or some Judge
 thereof withdrawn or until after the lapse of twenty-one days from the date of the service of
 notice of such intended registration at the following address)

Dated this _____ day of _____ 186 _____

Witness _____

N.

Certificate of Registrar General Justice of the Peace &c. taking declaration of attesting witness.

Appeared before me at _____ the _____ day of _____ C. D. of _____
 a person known to me and of good repute attesting witness to this instrument and acknow-
 ledged his signature to the same and did further declare that A. B. the party executing the
 same was personally known to him the said C. D. and that the signature of this said instru-
 ment is in the handwriting of the said A. B.

(Signed) _____

Registrar General or J.P.

O.

Certificate of Registrar General or Justice of the Peace before whom instrument may have been executed by the parties thereto.

Appeared before me at _____ the _____ day of _____ A. B. of _____
 the party executing the within instrument and did freely and voluntary sign the same.

(Signed) _____

Registrar General or J.P.

P.

Fees payable for the performance of the several acts matters and things herein specified.

For hearing application to bring land under the provisions of this Act or to be regis-
 tered in respect to an estate of freehold of a deceased proprietor to be paid to the Lands
 Titles Commissioners over and above the cost of all advertisements herein prescribed to be
 in such case published:—

	£	s.	d.
When the applicant is the original grantee and the land has never been sold mortgaged encumbered or made the subject of settlement	0	5	0
When the title is of any other description and the value exceeds £500... ..	2	10	0
Ditto ditto ditto exceeds £400 and does not exceed £500	2	0	0
Ditto ditto ditto exceeds £300 and does not exceed £400	1	10	0
Ditto ditto ditto exceeds £200 and does not exceed £300	1	0	0
Ditto ditto ditto when the value does not exceed £200	0	10	0
Contribution to assurance fund upon first bringing land under this Act and upon the registration of an estate of freehold in possession derived by settle- ment will or intestacy—			
In the pound sterling	0	0	0½
Other fees—			
For every certificate of title	1	0	0
Registering memorandum of transfer lease mortgage encumbrance or the transfer or discharge of a mortgage or the transfer or surrender of a lease	0	10	0
Registering proprietor of any estate or interest derived by settlement or trans- mission	1	0	0

For

	£	s.	d.
For every power of attorney	0	10	0
For every registration abstract	1	0	0
For cancelling registration abstract	0	5	0
For every revocation order	0	10	0
Noting caveat	0	10	0
Cancelling or withdrawing of caveat and service of notice to caveator or caveatee	0	5	0
Issuing order for foreclosure	1	0	0
For every search	0	2	0
For every general search	0	5	0
For every map or plan deposited	0	5	0
For every instrument declaratory of trusts and for every will or other instrument deposited	0	10	0
For registering recovery by proceeding in law or equity or re-entry by lessee ...	0	10	0
For registering vesting of lease in mortgagee consequent on refusal of assignees to accept the same	0	10	0
For entering notice of marriage or death... ..	0	10	0
For entering notice of writ or order of Supreme Court	0	10	0
Taking acknowledgment of married woman	0	5	0
Taking declaration in case of lost grant or other instrument or where production of duplicate is dispensed with	0	10	0
For the exhibition or return of any deposited instrument or for exhibiting or returning deeds surrendered by applicant proprietor	0	5	0
For certified copy first five folios per folio of seventy-two words... ..	0	5	0
For every folio or part folio after first five	0	0	8
For every instrument drawn on parchment	0	2	6
Taking affidavit or statutory declaration... ..	0	5	0
When any instrument purports to deal with land included in more than one grant or certificate for each registration memorial after the first	0	2	0

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

PROPERTY LAW TRUSTEES AND MORTGAGEES BILL.

FINAL REPORT FROM THE SELECT COMMITTEE

ON THE

LAND TITLES DECLARATION BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
23 *September*, 1862.

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

1862.

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**EXTRACTS FROM THE VOTES AND PROCEEDINGS
OF THE LEGISLATIVE ASSEMBLY.**

VOTES, No. 10. WEDNESDAY, 11 JUNE, 1862.

10. Land Titles Declaration Bill:—Mr. Cowper moved, That this Bill be now read a second time.
Mr. Robertson moved,—
(1.) That the Order of the Day for the second reading of this Bill be discharged, and the Bill be referred to a Select Committee for its consideration and report.
(2.) That such Committee consist of the following Members:—Mr. Cowper, Mr. Dick, Mr. Faucett, Mr. R. Forster, Mr. Hay, Mr. Hart, Mr. Holt, Mr. Holroyd, Mr. Smart, and Mr. Robertson.
And Mr. Dalgleish requiring that the said Committee be appointed by Ballot,—
Question,—
That the Order of the Day for the second reading of this Bill be discharged, and the Bill be referred to a Select Committee for its consideration and report,—
Put and passed.
Whereupon the House proceeded to the Ballot, and the Speaker declared the following Members to be the Committee duly appointed:—Mr. Robertson, Mr. Hay, Mr. Dick, Mr. Cowper, Mr. Holt, Mr. Smart, Mr. W. Forster, Mr. Windeyer, Mr. Hart, and Mr. Faucett.
11. Land Transfer and Registry Bill:—Mr. Cowper moved, That this Bill be now read a second time.
Motion made by Mr. Robertson, and Question,—
That the Order of the Day for the second reading of this Bill be discharged, and the Bill be referred to the Select Committee appointed by Ballot this day to consider and report upon the "Land Titles Declaration Bill,"—
Put and passed.
12. Property Law Trustees and Mortgagees Bill:—Mr. Cowper moved, That this Bill be now read a second time.
Motion made by Mr. Robertson, and Question,—
That the Order of the Day for the second reading of this Bill be discharged, and the Bill be referred to a Select Committee appointed by Ballot this day to consider and report upon the "Land Titles Declaration Bill,"—
Put and passed.

VOTES, No. 62. WEDNESDAY, 10 SEPTEMBER, 1862.

1. * * * * *
Member of Legislative Council as Witness:—Mr. Cowper moved, That the following Message be carried to the Legislative Council:—
MR. PRESIDENT,
The Legislative Assembly having appointed a Select Committee "to consider and report upon the 'Land Titles Declaration Bill,' and to whom was referred at the same time the 'Property Law Trustees and Mortgagees Bill,'" and that Committee being desirous to examine the Honorable John Fletcher Hargrave, Esquire, Member of the Legislative Council, in reference thereto, requests that the Legislative Council will give leave to its said Member to attend accordingly, on such day and days as shall be arranged between him and the said Committee.
Legislative Assembly Chamber,
Sydney, 10 September, 1862. Speaker.
Question put and passed.
* * * * *
* * * * *
4. Member of Legislative Council as Witness:—The Speaker reported the following Message from the Legislative Council:—
MR. SPEAKER,
In answer to the Message from the Legislative Assembly, dated the 10th instant, requesting leave for the Honorable John Fletcher Hargrave, a Member of the Legislative Council, to attend and be examined before a Select Committee of the Legislative Assembly, appointed "to consider and report upon the "Land Titles Declaration Bill,' and to whom was referred at the same time the "Property Law Trustees and Mortgagees Bill,'" the Council acquaints the Assembly that leave has been granted to its said Member to attend and be examined by the said Committee, if he think fit.
Legislative Council Chamber, W. C. WENTWORTH,
Sydney, 10 September, 1862. President.

VOTES,

VOTES, No. 69. TUESDAY, 23 SEPTEMBER, 1862.

1. * * * * *
Property Law Trustees and Mortgagees Bill:—Mr. Cowper brought up the Final Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee appointed on the 11th June last, to consider and report upon the "Land Titles Declaration Bill,"—to which Committee was also referred, on the same day, the "Property Law Trustees and Mortgagees Bill."
Ordered to be printed.
* * * * *
-

1862.

PROPERTY LAW TRUSTEES AND MORTGAGEES BILL.

FINAL REPORT.

THE SELECT COMMITTEE of the Legislative Assembly for whose consideration and report were referred, on the 11th June last, the "*Land Titles Declaration Bill*," and "*Land Transfer and Registry Bill*," and to whom was referred at the same time the "*Property Law Trustees and Mortgagees Bill*,"—beg leave to report to your Honorable House,—

That, after having examined the Honorable John Fletcher Hargrave, Member of the Legislative Council, on the "*Property Law Trustees and Mortgagees Bill*" referred to them, your Committee proceeded to consider the several clauses of the Bill, in which they deemed it expedient to make certain amendments.*

* *Vide* Schedule.

And your Committee now beg to lay before your Honorable House the Bill, as so amended by them.

CHARLES COWPER,

*Legislative Assembly Chamber,
Sydney, 23rd September, 1862.*

Chairman.

PROCEEDINGS OF THE COMMITTEE.

FRIDAY, 12 SEPTEMBER, 1862.

MEMBERS PRESENT:—

Mr. Cowper in the Chair.

Mr. W. Forster, | Mr. Dick.

Printed copies of the "Property Law Trustees and Mortgagees Bill" before the Committee.

The Honorable John Fletcher Hargrave, Esq., M.L.C., attending by permission of the Legislative Council, examined.

[Adjourned to Friday next, at Twelve o'clock.]

FRIDAY, 19 SEPTEMBER, 1862.

MEMBERS PRESENT:—

Mr. Cowper in the Chair.

Mr. W. Forster, | Mr. Dick,
Mr. Hart, | Mr. Faucett.

The evidence given by the Hon. J. F. Hargrave, Esq., M.L.C., at the last meeting, before the Committee.

And the same having been read,—

The Committee proceeded to consider the several clauses of the Bill.

Preamble postponed.

Clauses 1 to 29 read and agreed to.

Clause 30 read.

Motion made (*Mr. W. Forster*) and Question,—That the clause be amended by the omission of the last proviso, viz. :—

Provided also that every such petition or statement shall be signed by Counsel and that the Judge may require the petitioner or applicant to attend him by Counsel in Chambers or in Court when he deems it necessary to have the assistance of Counsel and the costs of such application as aforesaid shall be in the discretion of the Judge to whom the said application shall be made.

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

Committee divided

Ayes, 2.	No, 1.
Mr. Dick,	Mr. W. Forster.
Mr. Hart.	

Clause to be re-considered.

Clauses 31 to 48 read and agreed to.

Clause 49 read.

Motion made (*Mr. Hart*) and Question,—That the clause be amended in line 43, by omitting the words "or affixed on some conspicuous part of such property," with the view to the insertion, in their place, of the following words:—"by serving such notice personally upon such person or persons or by leaving the same at his or their usual or last known place of abode or business"—agreed to.

Clause, as amended, agreed to.

Clause 50 read and agreed to.

Clause 51 read, amended (*vide Schedule of Amendments*), and agreed to.

Clauses 52 to 56 read and agreed to.

Clause 57 read, blanks filled in, and agreed to.

Clauses 58, 59, and 60, read and agreed to.

Clause 61 read.

Motion made (*Mr. Hart*) and Question,—That the clause be amended, by inserting after the word "securities" in the 9th line, the words "or real securities in any part of the Colony"—agreed to.

Clause, as amended, agreed to.

Clauses 62 to 68 read and agreed to.

Clause 69 read, viz. :—

69. The provisions contained in this Act shall except as hereinbefore otherwise provided extend only to persons entitled for acting under a deed will codicil act or other instrument executed or passed or a will or codicil confirmed or revived by a codicil executed after the passing of this Act.

Commencement
of Act.

Motion

Motion made (*Mr. Hart*) and *Question*,—That this clause be omitted, with the view of inserting the following clause in lieu thereof:—

69. "This Act shall except where otherwise provided extend to all deeds wills ^{Operation of} "acts or other instruments or trusts executed passed or created as well before as after the ^{Act.} "passing of this Act."

Question,—That the clause proposed to be omitted stand part of the Bill,—*negatived*.

Question then,—That the clause proposed to be inserted in lieu of the clause omitted be so inserted,—*agreed to*.

Clause inserted accordingly.

Clause 70 read and agreed to.

Clause 71 read, amended (*vide Schedule of Amendments*), and agreed to.

Clause 14 re-considered.

Motion made (*Mr. Hart*) and *Question*,—That the clause be amended in lines 7 and 8, by omitting the words "by," and "will which shall come into operation after the passing of this Act the."

Question,—That the words proposed to be omitted stand part of the clause,—*negatived*.

Words omitted accordingly.

Clause, as amended, agreed to.

Clause 30 re-considered, amended, on motion of *Mr. Hart*, (*vide Schedule of Amendments*), and agreed to.

Preamble read.

Motion made, and *Question*,—That the Preamble, as read, stand part of the Bill,—*agreed to*.

Chairman requested to report the Bill, as amended, to the House.

SCHEDULE OF AMENDMENTS.

Page 4, clause 14, lines 7 and 8. *Omit* "by" and "will which shall come into operation after the passing of this Act the."

Page 7, clause 30, line 54. *After* "by" *insert* "the party his."

Page 7, clause 30, line 55. *After* "counsel" *insert* "or attorney."

Page 7, clause 30, line 56. *After* "counsel" *insert* "or attorney."

Page 7, clause 30, line 57. *Omit* "to have the assistance of counsel."

Page 12, clause 49, lines 43 and 44. *Omit* "or affixed on some conspicuous part of such property"; *insert* "by serving such notice personally upon such person or persons "or by leaving the same at his or their usual or last known place of abode or "business."

Page 13, clause 51, line 1. *After* "exercising" *omit* "the" *insert* "any."

Page 14, clause 61, line 9. *After* "securities" *insert* "or real securities in any part of the Colony."

Page 15, clause 69, line 40. *Omit* "clause," viz:—"The provisions contained in this ^{Commencement} "Act shall except as hereinbefore otherwise provided extend only to persons ^{of Act.} "entitled or acting under a deed will codicil act or other instrument executed or "passed or a will or codicil confirmed or revived by a codicil executed after the "passing of this Act"; *insert* "new clause" in lieu thereof, viz:—"This Act ^{Operation of} "shall except where otherwise provided extend to all deeds wills acts or other ^{Act.} "instruments or trusts executed passed or created as well before as after the "passing of this Act."

Page 15, clause 71, line 57. *Before* "Property" *insert* "Trust."

Page 15, clause 71, line 58. *Omit* "Law Trustees and Mortgages."

WITNESS.

Hargrave, the Hon. John Fletcher, Esq., M.L.C. PAGE. 9

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

LAND TITLES DECLARATION BILL.

FRIDAY, 12 SEPTEMBER, 1862.

Present:—

MR. COWPER, | MR. W. FORSTER,
MR. DICK.

THE HON. CHARLES COWPER, ESQ., IN THE CHAIR.

John Fletcher Hargrave, Esq., Attorney General, called in and examined:—

1. *By the Chairman:* You have had under your consideration the Bill, which has been referred to this Committee, to amend the law of Property, and further to relieve Trustees? J. F.
Hargrave,
Esq.
Yes.
2. A Bill similar to this was passed in the Legislative Council, was it not? Yes, a similar Bill was passed in the Legislative Council last Session; it is dated the 27th December, 1861. 12 Sept., 1862.
3. But the Bill now referred to this Committee is not that Bill? I believe it is a transcript of it.
4. A transcript? It corresponds in the number of sections, and I think in the matter generally; I am not aware of any alteration. I have the Bill, dated the 27th December, in my hand; the title is a little different, but I think the subject matter is the same all through.
5. It is an adaptation of Lord St. Leonards' Act, is it not? Yes.
6. The 22 and 23 Victoria, c. 35? Yes; and two subsequent Acts to amend and extend that.
7. The shape in which it passed the Council is the shape in which it is now brought in? Yes, I believe so; the title is a little shorter.
8. Then you consider it now in the shape in which you would recommend it for the consideration of the Committee? Yes.
9. Have you lately seen any reason to think that you could offer any suggestions to the Committee for its improvement? No; I have had the subject constantly in my mind, but I have not thought of any alteration which it would be desirable to make in the Bill. It was considered in Committee by Sir W. Manning, Mr. Holden, and myself, and some other Members of the Legislative Council. When it was brought up again to the Council, a Report was presented with it, embodying some amendments introduced in Committee; those amendments included three clauses proposed to be added by Sir W. Manning, and one by myself. The Report specified them, and I have no reason to doubt that the Report was right.
10. *By Mr. Dick:* Presuming that the Real Property Bill, as recommended by this Committee, will become law, do you think that on that account any alteration will be necessary in this Bill? No, I think not; I am of opinion that the two subjects are quite separate and

J. F.
Hargrave,
Esq.
12 Sept., 1862.

and distinct. The Real Property Bill now before the Legislative Council has reference to the transfer of land and facility in ascertaining the title or what is called the legal estate in land. This Bill has reference to the simplification of deeds affecting trusts and settlements, which is quite a separate and distinct matter. The object of this Bill is to give, by force of Parliamentary law, an enlarged effect to the common clauses put into trusts and settlements, and to give to trustees greater powers than they can exercise at present except they go to the Court of Equity to obtain them. This is a topic of legislation entirely separate from the declaration of titles to land or the facilitation of its transfer.

11. It appears to me, that the best provisions under this Bill are those which enable executors and administrators to deal with real estate for the benefit of creditors, almost in the same way as if the land were personal estate? Yes, but they can do so now by a decree of the Court of Equity.

12. This Bill will enable them to do it without incurring the expense necessary in making an application to a Court of Equity? I do not recollect distinctly; but I think the subject matter of the Bill is much wider than that. Take for instance the first clauses with regard to leases. These have nothing to do with trustees and mortgagees; the object of these earlier clauses of the Bill is to alter the state of the law with regard to forfeiture and things of that kind. These clauses are important, because deeds of various kinds are saved by altering the law in this way. For example, you have a lease or covenant not to assign without consent of the lessor, and if you want to assign the property again with the consent of the lessor, but the covenant to be renewed against any further assignments without consent, there must be some more deeds executed. That has been the law since *Dumport's case*, in the time of Lord Coke. These first clauses are intended to give statutory effect to acts done in reference to these matters without this multiplication of deeds. The Bill goes through various maxims of law and equity of an incumbering nature long before we get to the clauses relating to trustees.

13. There are not many leases of this kind in the Colony, and therefore the cases will be very few, but no doubt these clauses are very important. It is provided that when there has been a breach or waiver, it should be only a waiver for that time, and not extend to any breach of covenant or condition other than that to which it specially relates, whereas according to the law as it at present stands it is a waiver altogether. The next clauses relate to policies of insurance and rent charges? These are important; I recollect several cases coming before me some years ago in reference to policies of insurance in the city of Sydney alone, which would have been affected by these provisions had they been passed into law. It struck me at once that these would be useful clauses.

14. I have never known a forfeiture for a breach of insurance? How do you mean?—I do not understand you. There is a forfeiture for breach of insurance where equity cannot relieve against.

15. I have never known one here. Will you please to look at the eighth clause? Yes. "Lessor to have benefit of an informal insurance."

16. The lessor here is to have the benefit of an insurance effected by the lessee or mortgagor or "any person claiming under him." I do not see how the lessee or mortgagor can obtain the benefit of insurance under those circumstances? I do not understand your objection. No doubt the law as it stands is that the lessor does not have the benefit of an insurance which is not effected in conformity with the covenant to insure. For instance, the lessee covenants to insure in a particular office, and instead of doing that insures in another office. He cannot have the benefit of that insurance because it is not effected in conformity with the covenant. But in connection with this are other clauses in which a remedy for breach of covenant is provided, and it is declared that a lessee shall be protected against forfeiture under covenant for insurance; and therefore, in equity the lessor would, according to the provisions of this Bill, have the benefit of insurance, although the lessee might not have effected an insurance in conformity with the covenant.

17. Suppose a lessee mortgagee and he insure; the lessor would have the benefit of the mortgagee's insurance, because he would be affected by the person under him;—I now speak of the mortgage of a leasehold estate? He would have the benefit of the insurance if effected in conformity with the covenant. But if the covenant is not actually and literally fulfilled—if the insurance effected is informal under that covenant the lessor cannot have the benefit. This Bill would enact that where premises have been insured for the benefit of the lessor, he shall have the benefit notwithstanding there may be some informality. It follows Lord St. Leonard's rule, as in the English Act.

18. I can understand what you mean, but my idea was that this provision carried it beyond what you intended—"or by any person claiming under him"? I am not afraid of going beyond that which is equitable, because there is not a better equity lawyer in the world than Lord St. Leonards. I think the mortgagor ought to have the benefit of it quite as much as the original lessor. If you could suggest any amendment—

19. I would only suggest that these words should come out? Or by the "mortgagor"?

20. No; "or by any person claiming under him"? I think it would be quite right to retain those words. If any person in possession of a lease,—not the lessee or mortgagor, or any person claiming under the lessee (that is, having an interest to maintain the validity of the lease) purports to fulfil a covenant to insure, and does it informally, the insurance effected ought to go for the benefit of the lessor. If the lessee and those claiming under him are to have the lease made valid in their own favour, notwithstanding the breach of covenant. Any person might attempt to fulfil the covenant to insure, and be neither the lessee nor mortgagor; but the benefit arising from the insurance should go as if the insurance had been effected by the lessee or mortgagor. By striking out these words, you might omit some persons who are neither lessee nor mortgagor, yet ought to be included.

21. The mortgagee will insure with an intention to come within the covenant—supposing he insure for his own benefit? That would not apply. These clauses refer to where an attempt has been made to insure in conformity with the covenant, but where it has failed by some informality. A man has a right to insure anything he has an interest in. If he does not purport to do that under the lease, I take it it would not be included. By this it is merely intended that the lessor shall have a benefit under the lease.

J. F.
Hargrave,
Esq.
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22. But if he had effected such an insurance as that which I have mentioned, it would not be for the benefit of the lessor? Probably not; but I should not like to strike the words out, because by doing so some persons might be excluded.

23. Let me draw your attention to the 12th clause, having reference to powers and the mode of their execution. It provides as follows: "A deed hereafter executed in the presence of and attested by two or more witnesses in the manner in which deeds are ordinarily executed and attested shall so far as respects the execution and attestation thereof be a valid execution of a power of appointment," &c. Under the Real Property Bill, formalities of deed are dispensed with in a great many cases; and I propose to insert after the word "attested" the words "or are required to be attested by the Real Property Act of the present Session." Do you see any objection to those words? No; but I perhaps may be allowed to say with regard to this, that I do not think, as a member of the other branch of the Legislature, that I should be asked to answer the question. When the Bill comes up to the other House with amendments I shall then have to express my opinion upon it. I do not think that I ought to be now asked my opinion as to the effect of any amendments this Committee may think proper to make. Hereafter I may have to consider it.

24. *By the Chairman:* Do you think it necessary? I do not see any objection to it at all.

25. It is a bad system of legislation, is it not, to refer one Act to another? Yes, it is a bad system, because —

26. That Bill might not be passed? Yes, and then the Act looks absurd. You must put in some general words which would include this Act without referring to it. I will look into the matter. I cannot at a moment decide upon a point of law, but perhaps some such words as these will do "attested or required by law to be attested." Something of that kind will do.

27. *By Mr. Dick:* By the 27th clause the liability of an executor or administrator in respect of rents, covenants, or agreements, is to cease on a transfer of the instrument being made, providing all liabilities up to the time of assignment have been satisfied and a sufficient sum has been set apart to meet any contingent claim. I think that under this clause as it stands it would be competent for a party to transfer to a person wholly worthless. I think it ought to be transferred to a *bonâ fide* purchaser, and I would therefore propose that the words "*bonâ fide*" be inserted before "purchaser"? But the executors' duty is to get rid of it.

28. Supposing I made a lease to a man for ten years, and he dies at the end of five years, and that there was an agreement to erect certain buildings, he may not have built all at the time of his decease; but his executors having made an assignment to a purchaser, are no further liable for anything under the lease. I propose then that they should not be allowed to get rid of it except to a *bonâ fide* purchaser. But providing they set aside a sum sufficient to meet liabilities they ought to do so. Their first duty is to get rid of the liabilities, otherwise, as long as the lease continues they cannot divide the money among the children. If they set aside sufficient funds to meet liabilities they should have the right to assign to a man of straw to get rid of the liability.

29. But a person has no right to have a man of straw thrust upon him for his rent? It is only giving to the testator, by means of death, the same right as he would have if he was not the original lessee.

30. In your opinion he ought to be allowed to transfer to anyone? I think so, subject to the other clauses of the Bill, and to argument.

31. *By Mr. W. Forster:* Unless there was an express provision in the law against it? If the covenant of the lease was that he should not assign without consent he could not; but if the lessor does not protect himself against these assignments I think the tenant ought to have the opportunity of getting rid of the liability, by assigning the lease, or agreement for a lease, to a man of straw.

32. *By Mr. Dick:* Supposing a covenant not to assign, and the lessee dies, his executors may assign? They cannot assign if there is a covenant not to do so.

33. But where there has once been an assignment by law? I am taking a case where there has been at least one assignment by law, and I hold that an executor or administrator has a right to get rid of his liability by a man of straw. That has always been the law, and I do not think it ought to be altered. You would take out the whole benefit of this clause if you put in the words "*bonâ fide*," providing a fund has been set apart sufficient to meet any future claim.

34. *By Mr. W. Forster:* A lessor can always protect himself? Yes, he can have it provided that an assignment shall not take place without his consent.

35. *By Mr. Dick:* In the 29th clause it states: "Where an executor or administrator shall have given such or the like notices as in the opinion of the Court in which such executor or administrator is sought to be charged would have been given by the Supreme Court in its equitable jurisdiction," &c.;—do you not think that instead of inserting it in that general way it would be better to state the time in which they should publish these notices? I do not think it would be easy to fix one particular time to meet all the cases; and as executors and administrators have now perfect facility of consulting the Court upon all points, and as they will generally, if they are wise, pass their accounts into Court so as to get all these notices and fix the times, I think it would be desirable to keep the words.

36. You are aware that these things, in practice, are entirely at the discretion of the Master? Yes.

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37. It is sometimes three months, sometimes six months, and sometimes even twelve months, if the parties have large liabilities in the other Colonies, and these notices are followed by a further peremptory advertisement? Yes; we cannot enact by law in general words, or fix any particular time to meet all these cases. I admit the difficulty, although it had not struck me before. It is one of those difficulties that we cannot meet, and which we must therefore leave as it is.

38. In the 30th clause, it says that any trustee, executor, or administrator shall be at liberty, without the institution of a suit, to "apply by petition or by summons";—do you see any objection to the same thing being done by motion, which is much more expeditious and cheaper to the public? But upon motion you do not state the grounds of that motion; but this clause requires that a statement of facts, in writing, should be submitted to the primary Judge in Equity. A motion is the most vague and unsatisfactory proceeding in a Court of Chancery. I do not think the application should be made so; I am of opinion that it would be much better that every fact should be stated in writing, and that the ground for a judgment of the Court should not be left to what a counsel might say upon motion.

39. You think it should be supported by affidavits and facts? I think that being an important and formal proceeding of the Court, it should be a record of the Court. An affidavit would not be so. I should object to it being done by mere motion, because, as I have already said, a motion is the most vague of all proceedings, and allows counsel to state what they like by way of affidavit or otherwise to support it.

40. In the same clause, line 54, it says, "Provided also that every such petition or statement shall be signed by counsel." I think that ought to be "summons," or "summons or statement"? No, it is the summons upon a written statement. The summons is to take the opinion of the Court upon a written statement to the Primary Judge in Equity. The word "summons" refers to the statement annexed to it; "statement" is the right word.

41. You wish to have the statement signed by counsel? No, I do not wish, unless as a matter of practice in the Court, to have it signed by counsel at all; I only want the Judge to know what he is going to advise upon. It may be signed by attorneys, if the Court allows it, or by the party himself.

42. In clause 40 and some other of these clauses the executor or administrator has power to sell, although he has not the power to convey the fee simple; but I think, in order to perfect a title, it ought to give him power to convey a fee simple. Therefore I propose, that after the words "shall have full power to convey," there should be inserted the following words, "the fee simple of the said lands so sold to any purchaser"? The words are quite unnecessary. The word "hereditaments," in the same line, and the rest of the clause include fee simple or any less estate.

43. But conveying under that general term? I am quite satisfied that if the Act of Parliament authorizes persons to convey "hereditaments," it would enable them also to convey any less estate. "Hereditaments" is the largest possible term.

44. It is not the word "hereditaments" to which I allude, but the word "convey" itself. There is no such word used in the conveyance? But the clause says that the trustees exercising the power of sale shall have full power to convey or otherwise dispose of the hereditaments "either by way of revocation and appointment of the use or otherwise as may be necessary." Taking all the words together, there is no doubt it would have the effect.

45. There is no doubt about the power to do so; the question is whether, not having the legal estate before, they convey anything more than they have got; although power is given to sell and to mortgage, and to raise money to pay off the testator's debts, they have not the legal estate? They have the legal estate under these previous clauses. The fortieth clause would enable trustees to convey the whole property, otherwise it would be absolutely nugatory. It follows the words of Lord St. Leonard's Act, and I perfectly agree with him that these words are quite sufficient.

46. *By Mr. W. Forster*: Is it not quite possible for trustees and executors to convey what they have not themselves—do not they do it continually under powers? Yes, and the heir-at-law has to follow the use of the power by the persons clothed with the power.

47. *By Mr. Dick*: But the heir-at-law must have it to convey it—in this case the executor will have power to convey and mortgage? If the power is given him.

48. If there is a charge of debts only he will be at liberty to sell the property for the purpose of paying off the debts? Yes; this saves him going into the Court of Chancery to get the power.

49. But supposing it was vested in an infant, it would be necessary to apply to the Supreme Court to get a vesting order; although you have given power to convey the hereditaments, I do not think that is sufficient to convey the fee simple? If you ask me the question, I think it is perfectly sufficient. The direction is that they [trustees] are empowered to convey either by revocation of the use in others or by the appointment of the use "or otherwise as may be necessary."

50. *By Mr. W. Forster*: If it were the intention of the testator to give the fee simple of an estate to two or three of the devisees, although he did not convey the legal estate to the executors in express terms, the conveyance would operate? The whole of the words would be taken together, and if the intention was clear the Court would carry out that intention.

51. *By Mr. Dick*: No legal words are necessary to grant a legal estate—it depends upon the context? Yes, the Court would favour the intention of the testator, and the legal estate would pass according to that intention; but the object of this clause is to enable persons to avoid going to the Court unnecessarily.

52. *By Mr. W. Forster*: This clause will not restrict it? Oh no, it enlarges it.

53. *By Mr. Dick*: It states in clause 59, that "every receiver appointed as aforesaid shall pay and apply all the money received by him in the first place in discharge of all taxes rates
" and

"and assessments whatsoever and in payment of his commission as aforesaid and on the "premiums on the insurances if any," and so on. I think in that clause also, it ought to state that he should apply a portion to keep the premises in repair—that is what usually follows under an ordinary deed? I should not be inclined to give any more power as to repairs than they possess under the deed, or would obtain by going to the Court. To give them powers of a definite and fixed nature like those contained in the Bill is one thing, but it is a very different thing to give them a discretionary power to improve property.

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54. I do not mean to give them power to improve property, but merely to make necessary repairs? I would not give receivers that power as you suggest.

55. Then every time a tenant leaves, and a house requires to be whitened or papered, or repaired, you would leave them to go to the Court? I would leave the law as it is in that respect; I would not give them this discretionary power. Their powers are quite large enough as it is—I would not give them any enlarged discretion as to necessary repairs.

56. Then they would have no more discretion than a mortgagee? From what I have seen of receivers, and the mode in which they deal with an estate generally, I should not be inclined to give them this power.

57. With reference to trustees applying the income of the property of infants for their maintenance, for which provision is made in clause 62, would you allow them to apply this money to the maintenance of children, supposing their parents were alive and able to maintain them?—I will put this case to illustrate the meaning of my question:—Some time since C made a will and left a large property to the children of Mrs. B. They made an application to the Court to be allowed to get a sufficient income to maintain them. The Court decided however that the parents being in a position to maintain them, and no provision being made for maintenance, they could get nothing from the estate? Yes.

58. Under this Bill trustees would be at liberty to pay for the maintenance of children, although their parents might be wealthy? Speaking generally, I should be inclined to give that discretion. The object of the Bill is to give to trustees powers which they now have to go to the Court to obtain. I think it would be cheaper and better that they should have this discretionary power. It would make people more careful whom they appoint as trustees. I have known many cases where property has been left to children with the provision that it was not to vest until they were twenty-one. Of course they cannot obtain maintenance except on application. The order is made according to the construction of the will and the ability of the parents to maintain. The object of this clause is to insert by implication into the will or trust deed those clauses now carried out by the Court at great expense to the parties. The expense is often very great indeed compared with the money given to the poor children, and I would much rather put that power in the hands of the trustees. It is a discretionary power; the children cannot compel them to give them maintenance.

59. The 69th clause restricts the operation of the Bill to persons entitled or acting under a deed, will, codicil, act, or other instrument executed or passed, or a will or codicil confirmed or revived by a codicil executed after the passing of this Act? Yes.

60. Do you not think that some of these powers could be very well exercised by executors already appointed under wills? Some of these powers are too wide. I should say generally, not.

61. Powers of sale, for instance? No.

62. Mortgage? I think the rule is, when an Act of Parliament is introduced to give a new construction to instruments, it is never made retrospective. It is a just rule. Suppose there have been dealings under the present state of the law, are parties to go back and open all the ground again? If you make this clause retrospective on the instruments on which accounts have been settled, they would all have to be opened again.

63. *By Mr. W. Forster*: Could you not make it operate upon the instrument, and at the same time restrict it so as not to operate upon things done or commenced? It might be done, but I think it would be objectionable. All instruments affecting property of any kind must always be interpreted by the law at the date they speak, and they should never be made retrospective.

64. But is not the object of this Bill in itself almost an infringement of the rule;—do you not intend by it more liberally to interpret the intentions of persons who make these instruments, and to give better effect to the instruments themselves? Yes.

65. You are not putting new principles into the law? I should be inclined to leave those parties to go to the Court for what they want. It is a dangerous principle to allow instruments to be interpreted in this way.

66. *By Mr. Dick*: Do you not consider that giving these powers to deal with real property to administrators is in fact making real property more like personal estate? It is, but not more than it is already made by the decrees of the Courts of Equity.

67. I must confess that I am in favour of placing it on exactly the same terms? That is another question. The object of this Bill is to assist parties to accomplish themselves, by force of the law, all those things which they can now do by going to the Court and getting an order.

68. By an application which involves considerable expense? Yes; it saves all that.

69. *By Mr. W. Forster*: If the thing can be done with reference to future instruments it can be done in reference to instruments already effected? Yes, upon the instruments themselves.

70. But you are not intending to do more here than a Court of Equity would do? In regard to future instruments.

71. But if a Court of Equity would do it in regard to past instruments? That would depend upon the construction of the instruments themselves, which the parties would have to maintain and argue according to the words.

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72. You do not intend this Act to operate against the expressed will of any party? No.
73. Then would there be any injustice in doing with regard to past instruments what you admit an Equity Court would do in regard to the implied intentions of parties? I do not think that instruments which have been already interpreted and acted upon according to the law as it stands should be made the subject of legislation, so as to affect the rights of any parties; and that would be the effect of it. I would leave them as they are, to go to the Court of Equity in each case.
74. *By Mr. Dick*: Suppose a party died six months ago, leaving property, the will dates immediately, but the parties concerned cannot make a title—under this Act they could immediately do so without further expense;—why should not those parties have the benefit of this Act? Because deeds and wills should always be interpreted by the law as it stands at the time. These Acts should never be made retrospective. Unless you could show me a precedent I should certainly object.
75. *By the Chairman*: No doubt if it could be done without injustice it would be convenient? Yes, but it would open all previous cases where matters had been dealt with without reference to this Act.
76. *By Mr. W. Forster*: I should be inclined to except all cases where acts have been done. You are doing nothing more by this Bill than laying down by law the principles which are already made use of in the Equity Courts? In certain cases. The general scope of this part of the Bill is to apply to written instruments those rules and maxims which parties have hitherto availed themselves of at great expense. But I would not extend the application back to all instruments executed antecedent to the date of the Act; to time immemorial, in fact. There is the Statute of Limitations, no doubt, but it might be questioned if that would apply in this case. You would give new and superior rights, and I think the Bill would lead to greater intricacy in the law.
77. But if the principles are the same, and you are doing no more than rendering statutory things already done by the Courts, at great expense? I only say that that is the general scope of it.
78. *By Mr. Dick*: If this Bill is passed, new trustees can be appointed without applying to the Court;—they can do it by Court now, but it involves an expense of £30 or £40? Yes, but I object to the principle—I think it is bad. Take the clauses as to insurance and leases, for instance. By these last clauses they could have all those transactions over again, and get the benefit of breaches of covenant, and so on.
79. This must be looked upon as a power not to set aside the whole instrument, but to preserve the property for the benefit of the lessor? I am looking at the general effect of the clause. You suggested that the 69th clause should be made to extend to instruments dated before the passing of this Act.
80. Yes? The effect of that would be to make all leases and restrictions and other instruments, and all the powers throughout this Act uncertain, and to open up again all transactions with regard to them.
81. That would not matter if parties had not taken advantage of forfeiture? But supposing they had?
82. There would, perhaps, be some acts pending? If you limit it to transactions entered into after the passing of the Act there can be no injustice, but it would be wrong so to word it that it would affect antecedent transactions.
83. *By Mr. Dick*: In the 70th clause, which is an interpretation clause, I propose to put in the words “and interest” after the word “debt.”
84. *By the Chairman*: Would not the interest be a debt? Yes, the interest would follow the principle as a debt.
85. In the same clause the term “judgment” applies; I do not think it applies very often in the Act; it seems to me that it is a term very frequently mistaken in this Colony; “judgment” in this Colony does not bind land, but only an execution; but it states here that the term “judgment” shall be taken to include registered decrees, orders of Courts of Equity and Insolvency, and other orders having the operation of judgments. We have got no satisfactory law about that, and it appears to me that the interpretation is hardly correct? Any words you might put in to include these Colonial decrees which have the effect of judgments, of course ought to be inserted. I have no objection.
86. Have you seen the Bill that was introduced by Mr. Johnson to regulate the registration of deeds? What is the date of it?
87. It provides for the registration of wills and judgments? I have heard of it, but I know nothing about it.
88. You have never seen the clauses? I may have seen the Bill among the papers, but I have never considered it.
89. I wanted to ask you whether some of the clauses might not be considered in connection with this Bill? It is a totally different principle. It would be rather a matter of administration than interpretation of law. They should rather come under the Registration Act.
90. *By the Chairman*: Do you think they should be in another Act, if at all? I think there is no question about it.